

19 FEBRUARY 1942

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1 Thursday, 19 February 1948

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3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 Appearances:

12 For the Tribunal, all Members sitting, with
13 the exception of: HONORABLE JUSTICE LORD PATRICK,
14 Member from the United Kingdom of Great Britain,
15 HONORABLE JUSTICE E. STUART McDOUGALL, Member from the
16 Dominion of Canada and HONORABLE JUSTICE I.M. ZARYANOV,
17 Member from the USSR., not sitting from 0930 to 1600;
18 HONORABLE JUSTICE HENRI BERNARD, Member from the Re-
19 public of France, not sitting from 1500 to 1600.

20 For the Prosecution Section, same as before.

21 For the Defense Section, same as before.

22 - - -

23 (English to Japanese and Japanese
24 to English interpretation was made by the
25 Language Section, IMTFE.)

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MARSHAL OF THE COURT: The International

1 Military Tribunal for the Far East is now in session.

2 THE PRESIDENT: All the accused are present
3 except UMEZU who is represented by counsel. The
4 Sugamo Prison surgeon certifies that he is ill and
5 unable to attend the trial today. The certificate
6 will be recorded and filed.

7 Colonel Mornane.

8 COLONEL MORNANE: J-142. Shifting the scene
9 to Borneo, on 12 January 1942 in the neighborhood of
10 Tarakan, 245 Dutch prisoners were captured by a dif-
11 ferent Japanese force and machine gunned and bayoneted
12 to death, ^{a.} whilst at Balikpapan on the 24th February
13 1942 the white population consisting of 80 to 100
14 ^{b.} Europeans was brutally murdered.

15
16 At Laha on Ambon Island over 300 Australian
17 and Dutch prisoners were murdered in four batches by a
18 naval force on the orders of Admiral HATAKEYAMA. This
19 happened between the 1st and 20th February 1942. ^{c.}

20 In New Britain, at Tol Tol and Waltavallo,
21 about 160 Australians, many of them wearing brassards
22 indicating that they were medical personnel, were cap-
23 tured in February 1942 and massacred the next day. ^{d.}

24 J-142.

25 a. Ex. 1685-6, T. 13492-5
b. Ex. 1341, T. 12049

c. Ex. 1819, 1819B, T. 13930-40
d. Ex. 1852-4, T. 14105-10

1 In the same month at Banka Island in Sumatra,
 2 sixty men, some of whom were stretcher cases, and 22
 3 Army Nursing Sisters managed to get ashore after their
 4 ship had been sunk by bombing. They gave themselves
 5 up to the Japanese, who bayoneted the stretcher cases
 6 and machine gunned the remainder. ^{e.}

7 At Bandoeng and Lembang in Java, 150 Dutch
 8 prisoners of war were murdered early in March 1942, ^{f.}
 9 whilst later, in the same month 25 people, including
 10 women and children were taken out of the hospital at
 11 Soebang and shot or bayoneted by the Japanese. ^{g.}

12 J-143. Other massacres took place at Tiga
 13 Rungu in Sumatra, ^{a.} at Longhawen in Borneo ^{b.} and at
 14 Milne Bay in New Guinea. With regard to the murders
 15 in New Guinea a captured Japanese explained that
 16 orders had been given to mutilate prisoners in order
 17 to dissuade Japanese troops from surrendering for
 18 fear of reprisals. ^{c.}

19 J-144. To complete the list and to show that
 20 the Japanese persisted in their purpose to the very
 21 end, I refer to French Indo-China where in March 1945
 22 over 600 persons -- men, women and children, soldiers
 23

24 J-142.

25 e. T. 13454, T. 13599;
 Ex. 1767, T. 13781
 f. Ex. 1704-5, T. 13606-12
 g. Ex. 1707, T. 13621

J-143.

a. T. 13757
 b. Ex. 1688-89, T. 13498-9
 c. Ex. 1833-6, T. 14067-74

and civilians, were massacred by the 37th Division.^{a.}

In none of the above-mentioned cases were any of the victims tried for any offense.

J-145. The second class of massacres were those committed to terrorize the civilian population of occupied countries; it was the Japanese practice to adopt such measures when the Kempei Tai could not discover the perpetrators of some alleged crime or when the civil population showed any signs of unrest.

At Palembang in July 1943 a large number of prisoners of war and civilians were tortured by the Kempei Tai in an effort to discover the parties to a plot to stir up the Ambonese. Failing to get adequate evidence they executed without trial 80 Ambonese.^{a.}

Between July 1943 and March 1944 approximately 293 persons were executed without trial in Java on suspicion of having been engaged in anti-Japanese activities. This was done on the orders of the General Officer commanding the Japanese Forces on the island.^{b.}

A revolt took place at Jesselton, Borneo, on the 10th October 1943. Suspecting that Suluks from a number of small islands north of Borneo had taken

J-144. a. T. 15434-6; Ex. 2118-24, T. 15309-24;
Ex. 2132, T. 15,335; Ex. 2145-7, T. 15,375-9;
Ex. 2150-5, T. 15,388-415.

J-145. a. T. 13,601.
b. Ex. 1760, T. 13,701

1 part in this revolt the Kempei Tai arrested, tortured
2 and murdered almost the whole of the male population
3 of these islands. In addition 170 Chinese were exe-
4 cuted in connection with this uprising.^{c.}

5 By far the worst of these massacres was that
6 which took place at Pontianak in January 1944, when
7 1340 Dutch, Chinese and Indonesian, were executed for
8 having allegedly conspired against the Japanese. Only
9 63 of these people were given a trial.^{d.}

10 Other massacres took place at Sinkawang in
11 Borneo, ^{e.} Timor ^{f.} and Burma. ^{g.}

12 J-146. The final class of massacres to be
13 considered are those which were perpetrated in antici-
14 pation of a Japanese withdrawal or of an allied land-
15 ing. In conjunction with these it is proposed to dis-
16 cuss threats and preparations to carry out such meas-
17 ures which, on account of the Japanese surrender, were
18 not put into effect.

19 The policy actuating such massacres is prob-
20 ably that of preventing prisoners from rendering any
21 assistance to the invading force. As early as October
22 1942 at Tarawa in the Gilbert and Ellice Islands, 22

23 J-145.

24 c. Ex. 1659-64, T. 13322-42 g. Ex. 1538-9, T. 12,966-8
25 d. Ex. 1696-7, T. 13514-20
e. Ex. 1698, T. 13520
f. Ex. 1793-4, T. 13,838-41

1 New Zealand prisoners were murdered after an American
2 air raid.^{a.}

3 In January 1943, 527 British prisoners of
4 war had been transported to Ballale Island in the
5 Solomons to construct an aerodrome. Most of them died
6 in the next few months. In April the Japanese feared
7 that the Allies would land on the island and in pur-
8 suance of previously made plans bayoneted to death the
9 90 surviving prisoners.^{b.}

10 A few months later the Naval Commander at
11 Wake Island, Admiral SAKIBARA, caused the 96 surviving
12 prisoners of war to be executed because he expected an
13 American landing.^{c.}

14 At New Guinea 162 Indian prisoners, who were
15 too sick to move, were massacred in May 1944 to pre-
16 vent them from being recovered by advancing Allied
17 forces.^{d.}

18 In various parts of Borneo 250 to 300 prison-
19 ers were executed between June and August 1945 because
20 they were too sick to be withdrawn inland before the
21 anticipated Allied landing.^{e.}

22 J-146.

23 a. Ex. 1380, T. 14,141

24 b. Ex. 1878-9, T. 14,137-8

25 c. T. 14,926-31; Ex. 2036A, B, C, T. 14,973

d. Ex. 1837, T. 14,080; Ex. 1839, T. 14,089

e. T. 13,385; Ex. 1655-8, T. 13,312-6; Ex. 1668-70,
T. 13,420-30; Ex. 1672, T. 13,439.

At Puerto Princessa, Palawan, on 14 December

1944, 141 American prisoners of war were murdered.

They had been confined in air raid shelters on the pretence that an air raid was about to take place; petrol was poured into the shelters and set alight, and those who endeavoured to escape were shot.

Finally at Ocean Island, just before the Japanese surrender they attempted to slaughter the surviving native population. There was one survivor out of one hundred.

J-147. The view that the killing of prisoners in such circumstances was an over-all Japanese policy is strongly supported by evidence as to threats and warnings made to prisoners in various places. In June 1943 the Commandant of Naval Police at Taraken said that in the event of an allied landing the prisoners would be beheaded. At Nicobar Island in July 1945 the Naval Commander told the internees that if the enemy landed all of the internees would be killed.

J-148. In Borneo a similar threat was made whilst at Nakompaton Camp in Thailand, prisoners were

J-146.

f. T. 15222; Ex. 1455, T. 12669

g. Ex. 1884-5, T. 14,151

J-47. a. Ex. 1686, T. 13,495 b. Ex. 1622, T. 13,200

J-148. a. Ex. 1668, T. 13,420

1 told by one of the Japanese clerks in the adjutant's
2 office that he had seen a secret order for the killing
3 of prisoners in the event of an allied landing. This
4 was borne out by the fact that machine gun posts had
5 been set up covering the huts in which the prisoners
6 were housed. b.

7 J-149. The truth of the story about the
8 secret order is strongly corroborated by the plan for
9 final disposition of prisoners found in the Journal of
10 Taiwan Prisoners of War Camp Headquarters under the
11 date of August 1944. a.

12 (iii) Punishments of Prisoners of War for
13 escaping, in excess of those provided
14 by the Hague Convention 1907, and the
15 Geneva Convention 1929,

16 J-150. Reference has already been made, in
17 paragraph J-126 of this summation, to the fact that
18 30 days' arrest is the maximum punishment that the
19 Conventions provide for prisoners of war who escape
20 and are recaptured. The evidence placed before this
21 Tribunal establishes that the normal punishment im-
22 posed by the Japanese was death, that it was the ex-
23 ception rather than the rule for Prisoners to be given

24 J-148. b. T. 11,442

25 J-149. a. Ex. 2015, T. 14,724

1 a trial for this offence and that these practices were
2 adopted throughout the greater part of the area of
3 Japanese occupation.

4 J-151. It is now proposed to briefly summar-
5 ize that evidence. At Guadalcanal in September 1942,
6 two recaptured escapees were handed over to the medi-
7 cal officer who dissected them whilst still alive.^{a.}

8 Further north, at Ballale Island a British
9 escapee was executed without trial in January 1943,
10 on the basis that he was guilty of desertion from
11 the Japanese Army.^{b.} This quaint notion was also
12 held at Shanghai where in March 1942, an American
13 escaped prisoner was tried on the same basis and sen-
14 tenced to 10 years' imprisonment.^{c.}

15 In Ambon in 1942 eleven prisoners who were
16 recaptured outside the camp were beaten for periods
17 up to 11 days and then executed,^{d.} and in 1945 two
18 more recaptured prisoners were executed.^{e.}

19 In Celebes 6 Dutch prisoners of war who had
20 been recaptured after escaping were beheaded at
21 Macassar in September 1942,^{f.} and at Teragan three
22 Indians were executed for the same reason in 1945.^{g.}

23 J-151.

- 24 a. Ex. 1850, T. 14,101 e. T. 13,979-84
25 b. Ex. 1878-9, T. 14,137-8 f. Ex. 1805, T. 13,867
c. Ex. 1900, T. 14,178 g. Ex. 1806, T. 13,875
d. T. 13,796; Ex. 1822-3, T. 14,053-4

Between April and May 1942 at various places
 1 in Java there were seven separate cases of recaptured
 2 prisoners being executed for escaping, the total
 3 number so punished being 24.^{h.}

4 In Sumatra three escapees were executed at
 5 Palembang,^{i.} and 8 at the island of Siberaeft.^{j.}

6 At Pontianak, Bandjermasin, Taraken and Ranau,
 7 all in Borneo a total of 10 prisoners were executed
 8 between June 1942 and March 1945 for escaping.^{k.}

9 Seven recaptured prisoners were executed in
 10 Singapore,^{l.} while four others were sentenced to 9
 11 years imprisonment,^{m.} seventeen were executed in Burma,^{n.}
 12 three in Mukden,^{o.} and eight in Hong Kong.^{p.}

13 In addition to the foregoing executions, all
 14 of which took place without any trial, two British
 15 officers were tortured, tried and shot at Hong Kong
 16 in December 1943 for endeavoring to effect a whole-
 17 sale escape.^{q.}

18
 19 (iv) Execution of Allied Airmen

20 J-152. On the 18th April 1942, American
 21 planes commanded by Colonel Doolittle raided Japan.

22 J-151. h. Ex. 1711-8, T. 13624-37

23 i. T. 13562 j. T. 13603

24 k. Ex. 1668, T. 13420; Ex. 1686, T. 13498;

Ex. 1692, T. 13508; Ex. 1694, T. 13511

l. Ex. 1504, T. 12902; Ex. 1507, T. 12907

25 m. T. 5490 n. Ex. 1560, T. 13050; Ex. 1580-1,
 13098-9

o. Ex. 1899, T. 14174 p. Ex. 1602-4, T. 13176-9

q. Ex. 1606, T. 13181

The crews of two of the planes were captured in China.

Subsequently to their capture "Regulations for Punishment of Enemy Air Crew" were made in China by the accused HATA on the 13th August 1942. The crews of these planes were tried by Court martial under these Regulations and were sentenced to death. Later the sentences in respect to five of them were commuted to life imprisonment.^{a.} The remaining three were executed. These Regulations had provided a death penalty for bombing, strafing or otherwise attacking civilians or non-military objectives.^{b.}

J-153. For a long time after this the Japanese dispensed with the formality of a trial as they did with the pretence that the executions had any connection with the attacking of non-military objectives. Executions were carried out without trial in Bougainville,^{a.} New Britain,^{b.} New Guinea,^{c.} Ambon,^{d.} Celebes,^{e.} Batavia,^{f.} Borneo,^{g.} and Burma.^{h.}

In all, 56 Allied airmen were executed in these places. For the most part these territories consist

J-152. a. Ex. 3129-31, T. 27902-8; Ex. 1991, T. 14662

b. Ex. 1991-3, T. 14662-70

J-153. a. Ex. 1875, T. 14131; Ex. 1877, T. 14133

b. Ex. 1866, T. 14123; Ex. 1873, T. 14129

c. Ex. 1836B, T. 14075; Ex. 1846, T. 14096

d. Ex. 1831, T. 14065

e. Ex. 1798-1803, T. 13846-65; Ex. 1810, T. 13920

f. T. 13601 h. Ex. 1547, T. 12976

g. Ex. 1690, T. 13500

1 of sparsely populated jungle country, where civilian
 2 objectives were few. Moreover the populations of
 3 these countries were friendly to the Allies so that
 4 there would be no point in killing or terrorizing
 5 civilians. In New Guinea the officer who issued the
 6 orders for the execution admitted that he had done
 7 so because the planes had bombed his battery.^{i.}

8 J-154. In December 1944, three American
 9 airmen who had parachuted from a plane engaged in
 10 aerial combat near Hankow were marched through the
 11 streets, severely beaten, soaked with gasoline and
 12 set on fire,^{a.} and in the Philippines in March 1945,
 13 two American airmen were beheaded at Cebu.^{b.}

14 In Singapore during the regime of DOHIHARA
 15 two members of the crew of a B-29 which had been shot
 16 down were lodged in the Outram Road Gaol which was
 17 under DOHIHARA's control, as Commander of the 7th
 18 Area Army. They were a mass of burns and black from
 19 head to foot, but received no medical treatment.^{c.}

20 Between May and July 1945, the accused
 21 ITAGAKI, having replaced DOHIHARA as the Commander
 22 of the 7th Area Army, 26 Allied airmen were taken
 23 from the Outram Road Gaol and executed.^{d.}

24 J-153. i. Ex. 1846, T. 14096

25 J-154. a. Ex. 1891, T. 14162 c. Ex. 1514, T. 12927
 b. Ex. 1461, T. 12778 d. Ex. 1514, T. 12927

But the real holocausts took place in Japan
itself. Between June and August 1945, 112 airmen were
executed and of these 99 were not tried.^{e.}

J-155. The policy which very obviously ac-
tuated the Japanese was to prevent airmen from carry-
ing out their duties for fear of execution if cap-
tured. It re-echoes the reasons advanced by the Navy
in 1934 for the nonratification of the Geneva POW
Convention 1929; to which references have already been
made in paragraphs J-41 and J-42. They failed signal-
ly in their objective as is shown by the fact that
they had 3 Doolittle Flyers to execute in 1942,
against 112 in Japan alone during the last three
months of the war. But that is a commentary on the
Japanese physiological inability to appreciate the
courage of the airmen, rather than a proof that the
policy did not exist.

J-154.

e. Ex. 1921-4, T. 14204-18

(v) Treatment of Prisoners of War and
Inhabitants of Occupied Countries by the Kempei Tai.

J-156. On reading the evidence relating to the Kempei Tai one is first struck by their fiendish cruelty and then by the uniformity of their methods wherever practised. This uniformity cannot have arisen by chance; it must have been the result of a common training. But if such a common training had been given it must have been a matter of Government policy, every member of the accused who had served in the Army or Navy must have known the nature of the tortures in which they indulged, must have known the worthlessness of confessions extorted by such tortures.

The particular types of tortures which suggest a common training are the water torture, the electric torture, suspending a victim for long periods, burning various parts of the body and placing a pole behind the victim's knees and jumping on his thighs. All of these tortures were administered by the Kempei Tai at Singapore,^a Shanghai,^b French Indo-China,^c Borneo,^d Java,^e and Sumatra,^f while

J-156.

- a. Ex. 1519-21, T. 12935-45; Ex. 1513, T. 12914.
- b. Ex. 1893-4, T. 14165-6; Ex. 1901, T. 14179.
- c. Ex. 2113-4, T. 15295-8.
- d. Ex. 1660, T. 13332; Ex. 1666, T. 13404;
Ex. 1695, T. 13512; Ex. 1698, T. 13520.
- e. Ex. 1747, T. 13676.
- f. Ex. 1777, T. 13820, Ex. 1774, T. 13811.

in Burma^{g.} and Timor^{h.} many of them were applied.

In Japan there is evidence of the water torture having been applied to the Doolittle Flyers.^{i.}

(vi) Transportation of Prisoners of War by Sea.

J-157. The evidence relating to this matter is summarized in Part 3 of Appendix B. Reference is made to it here merely to draw attention to the features common to almost every ship and all in violation of the Conventions. These features are overcrowding, underfeeding, inadequate sanitation and ventilation, lack of medical supplies and water, and ill-treatment of the prisoners.

J-156.

g. Ex. 1533, T. 12961; Ex. 1610-6, T. 13186-92.
h. Ex. 1795, T. 13844.
i. Ex. 3834, T. 38030.

(vii) General Matters.

1 J-158. In every installation throughout
 2 Japan and the occupied countries where prisoners of
 3 war were held, the prisoners were starved, subjected
 4 to corporal punishment, and their sick were neglected.
 5 Evidence relating to these crimes will be found on
 6 every page of Parts 1 and 2 of Appendix B. In Ambon,^a
 7 Borneo,^b Burma,^c Celebes,^d Hong Kong,^e Java,^f
 8 Singapore,^g Formosa,^h and Japan,ⁱ allied prisoners
 9 of war were compelled to labor at work having a direct
 10 connection with operations of war. For the most part
 11 this consisted of the construction of aerodromes and
 12 building defenses against anticipated attacks by the
 13 Allied forces.
 14

15 J-159. This completes the discussion on
 16 similarity of pattern of war crimes as indicating
 17 that they were committed as a matter of Government
 18 J-158.

- 19 a. T. 13962; Ex. 1825-7, T. 14056-9.
 20 b. Ex. 1655-6, T. 13312-3; Ex. 1666-8, T. 13404-20;
 Ex. 1673-4, T. 13446-8; Ex. 1686, T. 13495.
 21 c. T. 13016; Ex. 1582, T. 13100.
 22 d. Ex. 1804, T. 13866.
 e. Ex. 1603-7, T. 13177-81; Ex. 1901, T. 14179;
 Ex. 1911, T. 14191; Ex. 1914, T. 14194.
 23 f. Ex. 1710, T. 13624.
 24 g. Ex. 1508, T. 12909; Ex. 1510, T. 12911;
 Ex. 1517, T. 12930.
 h. Ex. 1630-1, T. 13210.
 25 i. Ex. 1920, T. 14203; Ex. 1936, T. 14236;
 Ex. 1942-3, T. 14246-7; Ex. 1946-8, T. 14251-3.

policy or of Government indifference, but before

1 leaving it I would like to point out that it is incon-
2 ceivable that so many hundreds of Japanese officers
3 throughout these areas should commit, or permit to be
4 committed by troops under their command, the crimes
5 which have been discussed, unless they were certain
6 that their actions would be approved by the Japanese
7 Government.

8 J-160. Repeated attempts were made by the
9 International Red Cross and the Protecting Powers to
10 obtain permission for their representatives to visit
11 POW camps, but these attempts were almost invariably
12 unsuccessful.^{a.}

13
14 The failure to grant permission to visit
15 POW camps was undoubtedly due to a desire to conceal
16 from the world the atrocious treatment meted out by the
17 Japanese to their prisoners.

18 In Singapore, for instance, the resident
19 International Red Cross Delegate, Mr. Schweizer, was
20 not permitted to visit any of the camps at any time
21 during the Japanese occupation.^{b.} It is futile to
22 suggest that a visit to a prisoner of war camp would
23 have put him in possession of information dangerous to
24 J-160.

25 a. Ex. 2016, T. 14728;
Ex. 2018-9, T. 14748-9;
Ex. 3140, T. 27949.

b. Ex. 1518, T. 12934.

1 military security; the only additional information
2 he could have gotten would have been as to the manner
3 in which prisoners were treated.

4 J-160A. It is submitted that the foregoing
5 arguments and references to evidence demonstrate
6 beyond possibility of contradiction that the war
7 crimes proved to have been committed, were committed
8 as a matter of Government policy, or that the Japanese
9 Government knew of them and deliberately refrained
10 from taking any steps to prevent their being repeated.

11 It is significant that not one of the
12 accused has by himself or by witnesses given any
13 evidence of any real attempt to prevent the commission
14 of war crimes. It is true that evidence has been
15 given of addresses made to officers and troops request-
16 ing them to behave in accordance with Bushido tradi-
17 tions, but the prosecution submits that this in
18 itself is not sufficient to discharge the onus,
19 placed on a military commander, of ensuring that
20 prisoners under his control are treated in accordance
21 with international law.

22 J-160B. This brings us to the consideration
23 of certain matters of law in respect of Conventional
24 War Crimes and Crimes against Humanity.

25 All the crimes charged in Counts 53, 54 and

55 of the Indictment are in fact offenses against
1 the Hague Convention No. IV of 1907 or the Geneva
2 Prisoners of War Convention of 1929.

3 It is the submission of the prosecution
4 that Japan was bound by both the above-mentioned
5 conventions. Although Japan did not ratify the
6 Geneva POW Convention of 1929, at the outbreak of
7 war, she gave a reciprocal agreement to apply it
8 "mutatis mutandis" and is to that extent bound by it.
9 The meaning of the Latin expression has already been
10 discussed at some length in paragraphs J-52 to J-59.
11 The prosecution submits that the undertaking given
12 was one to apply the provisions of the 1929 Convention
13 as far as was practicable. The difference in national
14 or racial customs referred to in the diplomatic corres-
15 pondence probably gives the best illustration of im-
16 practicability. Thus at certain times it may on this
17 account become impossible to provide suitable boots or
18 clothing to prisoners. The prosecution also submits
19 that the Japanese, having deliberately taken advantage
20 of their reciprocal undertaking, cannot now be heard
21 to renounce it or vary its meaning. It is further sub-
22 mitted that the undertaking did not authorize the
23 refusal to comply with any of the provisions of the
24 convention on the ground that they were inconsistent
25

with existing or subsequently made provisions of
1 Japanese law.

2 In any event the Geneva POW Convention 1929
3 merely makes explicit what was already implicit in the
4 Hague Convention of 1907. The preamble to the latter
5 convention contains the following declaration,
6 "According to the views of the High Contracting
7 Parties, these provisions, the wording of which has
8 been inspired by the desire to diminish the evils of
9 war, as far as military requirements permit, are in-
10 tended to serve as a general rule of conduct for the
11 belligerents in their mutual relations and in their
12 relations with the inhabitants. It has not, however,
13 been found possible at present to concert Regulations
14 covering all the circumstances which arise in practice.
15 On the other hand, the High Contracting Parties clearly
16 do not intend that unforeseen cases should, in the
17 absence of a written undertaking, be left to the
18 arbitrary judgment of military commanders. Until a
19 more complete code of the laws of war has been issued,
20 the High Contracting Parties deem it expedient to de-
21 clare that, in cases not included in the Regulations
22 adopted by them, the inhabitants and the belligerents
23 remain under the protection and the rule of the prin-
24 ciples of the law of nations as they result from the
25

1 usages established among civilized peoples, from the
2 laws of humanity, and the dictates of the public
3 conscience."

4 What better evidence of the "principles of
5 the law of nations" can there be than the 1929
6 Convention bearing as it does the signature of repre-
7 sentatives of the thirty-five leading nations of the
8 world, including Japan itself.

9 J-161. The next question to be considered
10 is the responsibility of members of the cabinet and
11 high ranking officers, both in the field and in the
12 ministries, for these offenses.

13 An attempt has been made to suggest that the
14 Army and Navy were alone responsible for the breaches
15 of the Laws of War, proved in such abundance. There
16 has been a persistent attempt by cabinet members and
17 high officers at each stage in the chain of command
18 to shift the responsibility on to someone lower down.
19 This is entirely contrary to the spirit and express
20 provisions of the Convention. The preamble to the
21 Hague Convention No. 4 says:
22

23 "On the other hand, the High Contracting
24 Parties clearly do not intend that unforeseen cases
25 should, in the absence of a written undertaking, be
left to the arbitrary judgment of military commanders."

1 Article 3 reads: "A belligerent party which
2 violates the provisions of the said Regulations shall,
3 if the case demands, be liable to pay compensation.
4 It shall be responsible for all acts committed by
5 persons forming part of its armed forces."

6 No doubt this passage relates to the payment
7 of compensation, but it shows the general responsi-
8 bility, and that it was the duty of the Government
9 to supervise and prevent occurrences which might lead
10 to such claims.

11 Article 4 of the Regulations attached to
12 that Convention is the most important from this point
13 of view: "Prisoners of War are in the power of the
14 hostile Government, but not of the individuals or
15 corps who capture them. They must be humanely
16 treated. . ."

17 Article 7 provides: "The Government into
18 whose hands prisoners of war have fallen is charged
19 with their maintenance.
20

21 "In the absence of a special agreement
22 between the belligerents, prisoners of war shall be
23 treated as regards board, lodging and clothing on the
24 same footing as the troops of the Government who
25 captured them."

In this case there was a special agreement

1 that national and racial differences should be
2 respected.

3 Articles 10-12 inclusive show that the
4 Governments are the parties concerned in questions
5 of parole.

6 Article 2 of the Geneva Convention provides:

7 "Prisoners of War are in the power of the
8 hostile power, but not of the individual or corps
9 who have captured them.

10 "They must at all times be humanely treated
11 and protected, particularly against acts of violence,
12 insults and public curiosity.

13 "Measures of reprisal against them are
14 prohibited."

15 Article 4 provides: "The power detaining
16 prisoners of war is bound to provide for their
17 maintenance."

18 Article 77 provides: "Upon the outbreak of
19 hostilities, each of the belligerent Powers, as well
20 as the neutral Powers, which have received belligerents,
21 shall institute an official information bureau for
22 prisoners of war who are within their territory.

23 "Within the shortest possible period, each of
24 the belligerent Powers shall inform its information
25 bureau of every capture of prisoners effected by its

armies, giving it all the information regarding
1 identity which it has, allowing it quickly to advise
2 the families concerned, and informing it of the
3 official addresses to which families may write to
4 prisoners.

5 "The information bureau shall immediately
6 forward all this information to the interested Powers
7 through the intervention, on the one hand, of the
8 Protecting Powers and, on the other, of the central
9 agency provided for in Article 79."
10

11 "It is, in our submission, therefore clear
12 that it is the Government as a whole which is primarily
13 responsible for the prevention of breaches of these
14 Laws of War. This casts in the first place a duty
15 upon every member of the cabinet and their advisers,
16 and every high officer in the chain of command directly
17 concerned with these matters to satisfy himself that
18 the Laws are being obeyed. Ordinarily no doubt this
19 duty could be discharged by satisfying himself that
20 proper machinery had been established for the purpose.
21 But when information reaches him which raises a doubt
22 as to whether they are being flagrantly disregarded,
23 or shows plainly that they are, then a much higher
24 duty devolves upon him.
25

The manner in which this information reached

1 such men has been shown in some detail in paragraphs
2 J-60 to J-128.

3 As regards a Cabinet Minister it is clearly
4 his duty, upon learning of the commission of these
5 crimes, to bring the facts to the notice of his
6 colleagues in the cabinet, and to resign unless
7 effective steps are taken to prevent their commission.

8 Singularly little evidence has been given
9 by the defense, who alone are in a position to know
10 the facts, as to the steps, if any, taken by any of
11 them for this purpose. There is no evidence that any
12 of them ever raised the question of war crimes in the
13 cabinet. Their failure to do so makes their guilt
14 the greater. If they did raise the question and
15 acquiesced in no effective steps being taken they
16 must still bear the responsibility.

17 It is submitted that there was a clear duty
18 upon every official who knew about the commission of
19 any of these war crimes to use such power as he
20 possessed to put the matter right at once, at least
21 to the extent of bringing the outrages to an immediate
22 stop.

23 With regard to such of the accused who were
24 officers in charge of armies, or holding responsible
25 staff appointments in armies in areas in which war

1 crimes were committed, it is submitted that they have
2 a further responsibility for failing to take proper
3 steps to prevent their commission or continuance in
4 such areas.

5 The duty devolving upon Bureau Chiefs in the
6 War and Navy Ministry is to take whatever steps they
7 can to prevent such crimes being committed.

8 It is finally submitted that by presenting
9 to the Tribunal the mass of evidence which it has
10 done, showing a uniform pattern of atrocities and
11 breaches of the laws of war, the prosecution has
12 raised an unanswered presumption that this was part
13 of a system of illegal employment, ill-treatment and
14 murder of prisoners of war and civilians for which
15 all the accused in office during the relevant periods
16 are responsible.

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1 If the Tribunal pleases, the prosecution
2 requests permission to dispense with the reading of
3 Appendices A and B and the direction that they be
4 inserted in the transcript immediately after the close
5 of Section J.

6 THE PRESIDENT: That will be done.

7 (Appendices A and B are copied
8 as follows:)

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POW SUMMATION - APPENDIX A

SUMMARY OF EVIDENCE OF ATROCITIES COMMITTED
BY JAPANESE IN CHINA BETWEEN 1937 AND 1945.ATROCITIES AGAINST CIVILIANS AND FORMER CHINESE
SOLDIERS.

1. The evidence introduced before the Tribunal discloses that the atrocities committed against civilians and others by the Japanese troops in China, comprising Class "C" offenses and crimes against humanity, included: (1) Massacre and murder; (2) Torture; (3) Rape; (4) Robbery, looting and wanton destruction of property.

2. That these crimes against humanity by Japanese soldiers continued from 1937 to 1945 and occurred in every province in China occupied by Japanese troops; that knowledge of these continuing acts was brought home not only to the commanding generals in China, but to the government in Tokyo and no effective action was taken to correct the situation; that these acts were assented to if not authorized and directed by both the military and the civilian authorities of Japan; and that the commission of these crimes constituted the Japanese pattern of warfare. The first and most outstanding instance of the commission of these acts was at Nanking and is commonly called the "Rape of Nanking".

A. The Rape of Nanking.

1 3. When Nanking fell on 13 December 1937
2 all resistance by Chinese forces within the city en-
3 tirely ceased. (WILSON, R 2533; HSU, R 2559; BATES,
4 R 2628; MAGEE, R 3894). The Japanese soldiers
5 advancing into the city, indiscriminately shot
6 civilians on the street, especially those who ran
7 from them (HSU, R 2562). After the Japanese soldiers,
8 under the command of General MATSUI, were in complete
9 control of the city an orgy of violence and crime by
10 the soldiers began and continued for more than six
11 weeks. Among the offenses committed by the Japanese
12 troops were (1) murder and massacre, (2) torture,
13 (3) rape, and (4) robbery, looting and wanton
14 destruction of property.

(1) Murder and Massacre.

16 4. Thousands of Chinese in groups which
17 sometimes included former soldiers and sometimes only
18 civilians were massacred by Japanese troops. Civilians
19 were taken by the Japanese troops under the pretext
20 that they had formerly been soldiers, or because
21 they had failed to answer satisfactorily some questions
22 put to them, or for no apparent reason, frequently
23 bound together in groups, marched out of the city,
24 lined up and killed by machine-gun fire and their
25

bodies thrown into ponds or the Yangtze River or
1 spraved with gasoline and set afire. Civilians in
2 untold numbers were murdered by Japanese troops,
3 Murder of men, women and children appeared to be the
4 order of the day for the Japanese soldiers of Nanking
5 for a period of over six weeks following the fall of
6 that city. Any word or action on the part of a
7 civilian which for any reason an individual soldier
8 did not like was sufficient ground for the murder of
9 the individual, and civilians were frequently murdered
10 for no apparent reason except for the sport which the
11 Japanese soldiers enjoyed in killing them. Anyone
12 suspected of having formerly been in the Chinese Army
13 was likewise murdered.
14

15 5. Dr. Robert O. Wilson testified how the
16 University Hospital which had only fifty patients at
17 the time of the fall of Nanking, within a very few
18 days after 13 December 1937 was filled to overflowing
19 with men, women and children of all ages, whose state-
20 ments to him confirmed the fact that their wounds had
21 been received at the hands of Japanese soldiers (R 2532-
22 33). He mentioned the case of a woman of forty, all
23 the muscles of her neck having been severed by a blow
24 from a Japanese soldier (R 2534-53); of a boy eight
25 years of age, with a bayonet wound piercing his stomach

(R 2535); of a man severely burned about his head and shoulders who before he died stated that he was the only survivor of a large group who had been bound together, sprayed with gasoline and set afire (R 2538); of an old man who had been stabbed with a bayonet by a Japanese soldier and left for dead (R 2538); of a girl seven years of age whose elbow had been slashed by the same soldier who before her eyes had killed her father and mother (R 2539). He identified Captain Liang and Wu-Chang-teh, each of whom testified in this case, as two of the patients treated by him for wounds received at the hands of the Japanese (R 2539).

6. In reply to a question as to the action of the Japanese soldiers towards the civilians as they came into the city, Dr. Hsu Chuan-Ying testified:

"The Japanese soldiers, when they entered the city - they were very, very rough, and they were very barbarous; They shoot at everyone in sight. Anybody who runs away, or on the street, or hanging around somewhere, or peeking through the door, they shoot them - instant death." (HSU, R 2562).

7. In describing his trip through the city, on the third day after the occupation, with a Japanese officer for the purpose of estimating the number of

people lying dead on the street and in the houses,

1 he stated:

2 " *** I saw the dead bodies lying everywhere,
3 and some of the bodies are very badly mutilated. Some
4 of the dead bodies are lying there as they were, shot
5 or killed, some kneeling, some bending, some on their
6 sides, and some just with their legs and arms wide open.
7 It shows that these been done by the Japanese, and I
8 saw several Japanese were doing that at that very
9 moment.
10

11 "One main street I even started to try to
12 count the number of corpses lying on both sides of the
13 street, and I started to counting more than five
14 hundred myself. I saw it was no use counting them;
15 I can never do that. ***

16 "All these corpses, not a single one I find
17 in uniform -- not a single soldier; they are all
18 civilians, both old and young, and women and children,
19 too. All the soldiers -- we do not see any Chinese
20 soldier in the whole city. *** " (HS-U, R 2563-64).

21 8. Japanese soldiers repeatedly searched
22 the safety zones and on one occasion they took about
23 1500 refugees, tied them hand to hand in groups of
24 ten to fifteen and despite the protests made to the
25 Japanese authorities by Mr. Rabe, the Chairman of the

1 International Committee for the Nanking Safety Zone,
2 Mr. Fitch and Dr. Hsu, these civilians were shot with
3 machine guns and their corpses thrown into a pond
4 (R 2566-67).

5 9. Dr. M. S. Bates, Vice-President of the
6 University of Nanking, and a member of the International
7 Committee for the Nanking Safety Zone, testified that
8 he "observed a whole series of shootings of individual
9 civilians without any provocation or apparent reason
10 whatsoever." (R 2629). After detailing instance after
11 instance of the killing of civilians by Japanese
12 soldiers, he testified, "The total spread of this
13 killing was so extensive that no one can give a complete
14 picture of it;" that to his own sure knowledge 12,000
15 civilian men, women and children were killed inside the
16 walls; and that there were many killed in the city of
17 which he had no knowledge and large numbers of civil-
18 ians were killed immediately outside of the city;
19 that these were quite apart from the killing of tens of
20 thousands former Chinese soldiers; that the International
21 Committee arranged for the burial of more than 30,000
22 soldiers whose bodies were for the most part along the
23 banks of the Yangtze River where they had been killed
24 by machine-gun fire after their surrender; that it was
25 impossible to estimate the number of bodies which had

1 been thrown into the river or otherwise disposed of
2 (R 2630-31). The safety zones were searched day after
3 day for about three weeks, and any person who had a
4 callous on his hands or the mark on his forehead from
5 wearing a hat, most of them ordinary carriers and
6 laborers, were accused of having been soldiers and
7 were taken out by the Japanese military forces and
8 shot (R 2632).

9 10. Dr. Bates further testified that a
10 peculiar form of treachery was practiced to persuade
11 men to admit that they had been in the service of the
12 Chinese Army. The Japanese officers would urge them,
13 saying: "If you have previously been a Chinese
14 soldier or if you have ever worked as a carrier or
15 laborer in the Chinese Army, that will all now be
16 forgotten and forgiven if you will join this labor
17 corps." In that way in one afternoon two hundred men
18 were secured from the premises of the University of
19 Nanking and along with many others likewise secured
20 from other safety zones were marched away and executed
21 (BATES, R 2632-33).

22 23 11. John G. Magee, a minister who had resided
24 in Nanking from 1912 to 1940, testified to the killing
25 of civilians by Japanese soldiers, which began following
the fall of the city and increased until

1 " *** there was organized killing of great
2 bodies of men. Soon there were bodies of men lying
3 everywhere, and I passed columns of men being taken
4 out to be killed. These people were being killed by
5 rifle fire and machine gun principally. Also, we knew
6 of groups of several hundred being bayoneted to death.
7 *** " (MAGEE, R 3894).

8 He further testified that on the evening of
9 December 14 he passed two columns of Chinese civilians
10 tied in groups of four, these columns containing at least
11 a thousand men, who were marched off and shot; that on
12 December 16 over a thousand civilians, including fourteen
13 from his Christian congregation and the fifteen-year old
14 boy of the Chinese pastor, were carried out to the banks
15 of the Yangtze River and mowed down by machine gun fire
16 (R 3898).

17
18 12. He thus describes a killing witnessed by
19 himself along with another American and two Russian
20 citizens:

21 " *** A Chinese was walking along the street
22 before this house in a long silk gown; two Japanese
23 soldiers called to him, and he was so frightened; he
24 was trying to get away. He hastened his pace, was
25 trying to get around a corner in a bamboo fence, hoping

there was an opening, but there was no opening. The
1 soldiers walked in front of him and couldn't have
2 stood more than five yards in front of him and both
3 of them shot him in the face -- killed him. They
4 were both laughing and talking as though nothing had
5 happened; never stopped smoking their cigarettes or
6 talking and with no -- they killed him with no more
7 feeling than one taking a shot at a wild duck, and
8 then walked on. *** 2 (MAGEE, R 3900-01).
9

10 13. He testified that he saw the bodies of
11 civilians in groups of hundreds along the Bund, many
12 of which were charred, indicating that they had been set
13 afire after they had been shot; that it was impossible
14 to drive down some of the streets because of the
15 number of bodies of dead civilians; that he took
16 pictures of women kneeling in the streets before the
17 Japanese -- begging vainly for their menfolk as they
18 were being lined up to be marched off by Japanese
19 soldiers; and that he was gruffly rebuked when he
20 sought to have a Japanese sergeant release from one
21 of these groups the two brothers of his chauffeur (R
22 3900-02).
23

24 14. George A. Fitch, who was born in China
25 and who was for some thirty-six years Secretary of the
International Committee of the Y.M.C.A. in China, in his

1 affidavit quotes the following from the diary which
2 he kept at the time:

3 "On December 15, I saw approximately 1300 men,
4 all in civilian clothes, just taken from one of our
5 camps near our headquarters, lined up and roped together
6 in groups of about 100 by soldiers with fixed bayonets.
7 In spite of my protests to the commanding officer, they
8 were marched off to be shot. *** "

9 "On December 22, 1937, I saw about fifty
10 corpses in a pond a quarter of a mile east of my office.
11 All were dressed in civilian clothes, most of them with
12 hands bound behind their backs, and one with the top
13 half of his head completely cut off. Subsequently,
14 I saw hundreds of bodies of Chinese, mostly men but a
15 few women, in a similar condition, in ponds, on the
16 streets, and in houses. *** " (FITCH, R 4461-63).

17 15. J. H. McCallum, an American missionary in
18 Nanking, after recording in his diary many instances of
19 the shooting of civilians by Japanese soldiers, in the
20 entry on 29 December 1937, said:

21 " *** It is absolutely unbelievable, but
22 thousands have been butchered in cold blood -- how many
23 it is hard to guess, some believe it would approach the
24 10,000 mark."

25 In the entry of the following day, he stated

1 how men were carried away from the safety zones on the
2 pretext of having formerly been soldiers, and continues:

3 " *** The men had friends among the group who
4 could identify them as civilians, but because they had
5 callouses on their hands they were branded without
6 further investigation as soldiers in spite of the
7 protests voiced. Many ricksha and sampan men, as well
8 as other laborers have been shot simply because they
9 have the marks of honest toil upon their hands. *** "
10 (R 4471-72).

11 16. Shang Teh Yi, a silk merchant, testified
12 that he along with more than a thousand civilians were
13 arrested on 16 December 1937 by Japanese soldiers,
14 bound together by twos and sent to Shiakwan on the
15 bank of the Yangtze River and there seated facing
16 machine guns. On order of a Japanese army officer,
17 Japanese soldiers opened fire on this group. He fainted
18 just before the firing started and when he recovered he
19 was covered with the corpses of the dead (R 2600).

20 17. Wu Chang Teh, a former policeman in
21 the city of Nanking, who had never been a soldier,
22 along with some three hundred other policemen was
23 taken on December 15 from the Judicial Yuan, in spite
24 of the statements to the Japanese soldiers by members
25 of the International Committee that these policemen had

not been soldiers, and marched to the west gate of the city. Over 1700 Chinese had been brought to this point. Machine guns were set up by Japanese soldiers just outside of and on either side of the gate beyond which is a steep slope leading down to a canal. In groups of over one hundred each, the Chinese were forced through the gate at the point of bayonets and shot down by machine guns, their bodies falling along the slope and into the canal. Those not killed by gunfire were stabbed with bayonets by the Japanese soldiers. After the massacre many of the bodies along the bank were sprayed with gasoline and set afire. The witness escaped the bullets, but was stabbed with a bayonet and, feigning death, was able to make his escape in the night. He finally made his way to the University Hospital where he was treated by Dr. Wilson (R 2604-6).

18. Chen Fu Pao testified that on 14 December thirty-nine civilians were taken from a refugee camp and because they had a hat-mark on their forehead or a callous mark on their hands were carried to the side of a little pond and killed by machine gun fire. He was required by Japanese soldiers to help throw the bodies into the pond (R 2609).

19. Captain Liang Ting-Fang, a former member of the Medical Corps of the Chinese Army, testified

1 that he was one of approximately five thousand former
2 soldiers who were taken by the Japanese on 16 December
3 from Nanking to Shiakwan on the bank of the Yangtze
4 River, lined up on the edge of the river with their
5 wrists bound, shot with machine guns, and their bodies
6 thrown into the river. About eight hundred Japanese
7 soldiers, including officers, were present. The binding
8 and shooting began about seven o'clock in the evening
9 and kept up until about two o'clock in the morning. He
10 and a friend jumped into the river and though wounded
11 by machine gun fire he escaped and eventually made his
12 way to the hospital where he was treated by Dr. Wilson
13 (R 3370-73).

14 20. Sun Yuen Cheng, in his statement told
15 that the Chinese people were directed to come to the
16 Japanese military camp near the Nanking Railroad Station
17 to get passes. When they came they were told to go to
18 the bank of the river and line up for a roll call. After
19 approximately ten thousand had been assembled, trucks
20 carrying machine guns came up and opened fire on the
21 group. The shooting lasted for about an hour. After
22 the shooting the bodies were thrown into the river
23 (R 4483-84).

24 21. Lu Su, in his statement made to the
25 Chief Prosecutor of the District Court of Nanking, and

1 included in the latter's report, said:

2 "Upon entry of nanking, Chinese civilians of
3 both sexes and of all ages, as well as retreating
4 soldiers, totaling 57,418, were interned by Japanese
5 in the villages at Mu-Fu hill. Many died since neither
6 water nor food was given. Many were frozen to death.
7 In the evening of December 16, 1937, those who were
8 still alive were marched off to Tsao-Shie-Chi, at
9 Shia-Kuen, in a column of four while each two were
10 bound together by lead wire. There they were machine-
11 gunned, followed by repeated bayonet thrusts. Corpses
12 were burnt by kerosene and, at last, the remains of
13 the burnt corpses were thrown into the river. *** "
14 (R 4538).

15 22. Lee Tih Sung stated that he had witnessed
16 the killing of Chinese civilians who had been drafted
17 into a labor camp by the Japanese soldiers because they
18 could not understand what the soldiers had ordered them
19 to do, and that on 23 December he saw fifty or sixty
20 of those civilians lined up in a vacant lot alongside
21 a pond, shot with machine guns, sprayed with gasoline,
22 and set afire (R 4485-87).

23 23. Mrs. Loh Sung Sze stated that her husband,
24 a teacher, was bayoneted by Japanese soldiers in her
25 presence because he did not carry a burden in the manner

the soldiers desired (R 4489).

1 24. Woo King Zai narrated how the Japanese
2 soldiers on 20 December examined the palms of Chinese
3 laborers who had been drafted to carry their loot to
4 moo Foo Hill. Five of these civilians were found to
5 have callouses on their hands and were bayoneted to
6 death by the Japanese. He told that the bodies of
7 Chinese, including many children who had been bayoneted,
8 were lying along the road (R 4491-42).

9 25. The joint statement of Chu Yong Ung and
10 Chang Chi Hsiang affirmed the murder in their presence
11 by Japanese soldiers of four Chinese civilians, one
12 pregnant woman being kicked to death (R 4493).

13 26. Mrs. Wong Kiang Sze witnessed the killing
14 by Japanese soldiers in her presence of her son, a clerk
15 in the courts, and her son-in-law, an accountant, neither
16 of whom had ever been in the military service (R 4494,
17 Ex. 315).

18 27. Hu Tu Sin stated that he saw a Japanese
19 soldier shoot a civilian whose business was making
20 noodles, because he had callous marks on his right
21 hand (R 4496).

22 28. Wong Chen Sze saw her husband kicked to
23 death by Japanese soldiers while trying to protect her
24 from being raped (R 4498).

29. Wu Zah Tsing stated that her brother was
1 bayoneted to death by Japanese soldiers because he did
2 not kneel as promptly as they thought he should (R 4499).

30. Yien Wang Sze saw her brother bayoneted
4 to death by Japanese soldiers. He was not a soldier but
5 a member of the volunteer corps raised to prevent loot-
6 ing (R 4500).

31. The official report from the American
8 Vice-Consul at Nanking to Johnson, the American Ambassador
9 to China, dated 25 January 1938, giving an account of the
10 happenings at Nanking from 10 December 1937 to 24 January
11 1938 stated that while accurate records were not then
12 available, it was estimated that over 20,000 persons were
13 executed by the Japanese soldiers in Nanking during the
14 first few days after its fall on the ground that they
15 had formerly been soldiers. It added: "little effort
16 appears to have been made to discriminate between ex-
17 soldiers and those who had never, in fact, served in the
18 Chinese armies. If there was the slightest suspicion
19 that a person had been a soldier such person was seemingly
20 invariably taken away to be shot. *** " (R 4569). The
21 report continues:

22 " *** Besides the hunting down and execution of
23 all former Chinese soldiers by detachments of Japanese
24 military, small bands of two or three or more Japanese
25

1 soldiers roamed at will the entire city. It was the
2 killing, raping and looting of these soldiers that
3 perpetrated the worst of the terrors on the city.
4 Whether carte blanche was given to these soldiers to
5 do anything they like or whether the Japanese armies
6 got completely out of control after they entered the
7 city has not been fully explained. ***

8 " *** It remains, however, that the Japanese
9 soldiers swarmed over the city in thousands and committed
10 untold depredations and atrocities. It would seem
11 according to stories told us by foreign witnesses that
12 the soldiers were let loose like a barbarian horde to
13 desecrate the city. Men, women, and children were
14 killed in uncounted numbers throughout the city. *** "
15 (R 4571-72).

16 (2) Torture.

17 32. Indignities of every nature were committed
18 by Japanese soldiers against Chinese civilians although
19 the Chinese civilians were most abject and pitiful in
20 their submissive attitude. They were kicked and beaten,
21 made to stand undressed in the cold, had water poured down
22 their noses, their bodies stabbed and burned, and sub-
23 jected to all forms of human torture. Upon the discovery
24 of family relationship among the Chinese, a son would
25 be required to have intercourse with his mother, a father

1 with his daughter, a brother with his sister, in the
2 presence of and to the delight of the Japanese soldiers.
3 (Report of the Procurator of the District Court of
4 Nanking (R 4543-44).

5 (3) Rape.

6 33. During the period from December 13, 1937
7 to February 6, 1938, thousands of Chinese girls and
8 women in Nanking ranging in ages from nine to seventy-
9 seven years of age, were horribly, and in many cases
10 repeatedly raped by Japanese soldiers. John Rabe,
11 Chairman of the International Committee for the Nanking
12 Safety Zone, in a report submitted to the German Foreign
13 Office, dated 14 January 1938, stated that in the month
14 following the fall of Nanking not less than 20,000 women
15 and girls had been raped by Japanese soldiers (R 4594).
16 Thousands of these women died as a result of mistreatment
17 at the hands of the Japanese, and other thousands were
18 butchered by the Japanese soldiers after they had been
19 repeatedly raped. Japanese soldiers frequently desecrated
20 the bodies of the victims who had been raped and killed,
21 by inserting a stick or bottle or other foreign
22 substance in the female organ and leaving the body
23 exposed to public view. These crimes of violence
24 occurred almost as frequently in the daytime as at night.
25 If members of the family, or even the children of the

1 victims interfered with the lustful conduct of the
2 soldiers, they were horribly beaten or killed on the
3 spot.

4 34. For four or five weeks following the
5 fall of the city, soldiers daily entered the grounds of
6 Ginling College, which had been declared a safety zone
7 and on which more than 10,000 women and children
8 refugees were crowded, and the grounds of the University
9 of Nanking which had likewise been declared a safety
10 zone and on which were some 40,000 refugees; and despite
11 the heroic efforts of Miss Vautrin, Mrs. Twinen and
12 Mrs. Tsen, the members of the International Committee
13 and the foreign residents assisting them, openly raped
14 girls and young women on the grounds of these institu-
15 tions, and selected therefrom groups of the most
16 beautiful girls to carry off to officers' quarters to
17 be raped and horribly debauched. This conduct of the
18 soldiers continued unrestrained for more than six weeks
19 following the fall of the city.

20 35. In testifying as to the conduct of the
21 Japanese soldiers toward the women of the city, Dr.
22 Bates said:

23 "That was one of the roughest and saddest parts
24 of the whole picture. Again, in the homes of my three
25 nearest neighbors, women were raped, including wives of.

University teachers. On five different occasions, which
1 I can detail for you if desired, I, myself came upon
2 soldiers in the act of rape and pulled them away from
3 the women.

4 "The safety zone case reports, to which we have
5 previously referred, and my own records of what occurred
6 among the thirty thousand refugees on the various grounds
7 and in the building of the University of Nanking, hold
8 a total of many hundreds of cases of rape about which
9 exact details were furnished to the Japanese authorities
10 at the time. One month after the occupation, Mr. Rabe,
11 the Chairman of the International Committee, reported
12 to the German authorities that he and his colleagues
13 believed that not less than twenty thousand cases of
14 rape had occurred. A little earlier I estimated, very
15 much more cautiously and on the basis of the safety zone
16 reports alone, some eight thousand cases.

18 "Every day and every night there were large
19 numbers of different gangs of soldiers, usually fifteen
20 or twenty in a group, who went about through the city,
21 chiefly in the safety zone because that's where almost
22 all the people were, and went into the houses seeking
23 women. In two cases, which I can remember all too clearly
24 because I nearly lost my life in each of them, officers
25 participated in this seizing and raping of women on the

1 University property. The raping was frequent in daytime
2 as well as night and occurred along the roadside in
3 many cases.

4 "On the grounds of the Nanking Theological
5 Seminary, under the eyes of one of my own friends, a
6 Chinese woman was raped in rapid succession by seventeen
7 Japanese soldiers. I do not care to repeat the occasion-
8 al cases of sadistic and abnormal behavior in connec-
9 tion with the raping, but I do want to mention that
10 on the grounds of the University alone a little girl of
11 nine and a grandmother of seventy-six were raped." (BATES
12 R 2633-34).

13 36. Dr. Wilson testified to having driven
14 off Japanese soldiers caught in the act of raping Chinese
15 women, and of having treated at the University Hospital
16 victims who told of having been raped by Japanese soldiers,
17 including a girl of fifteen who developed syphilis
18 (R 2537-39).

19 37. Dr. Hsu testified that Japanese soldiers
20 came with three trucks in one day to the camp in the
21 safety zone and despite his protests took girls and
22 women ranging from thirteen to forty years old to a
23 place where they were raped (R 2569). Typical of his
24 testimony is his statement of what occurred at No. 7
25 Sin Kai Road, near the south gate of the city:

1 " *** In that house there were eleven killed,
2 three raped and two, there were two of the three, one
3 is fourteen and one is seventeen. After raping, they
4 put foreign stuff in the vagina and the grandmother
5 showed me the stuff. The young girl was raped on the
6 table; and while I was there the blood spilled on the
7 table was not all dry yet. And we also see the
8 corpses because they were took away, not far away,
9 only a few yards from that house, all the corpses
10 there. Of those corpses Mr. Magee and I took
11 pictures of them because they were naked and shows
12 the crimes there. *** " (HSU, R 2572).

13 38. Magee in his testimony confirms this
14 statement and gives additional details of the incident
15 (R 3910-11). Magee testified to numerous instances of
16 rape by Japanese soldiers within his personal knowledge,
17 including that of a ten-year old girl which occurred
18 on 20 December, and a fifteen-year old girl who was
19 raped for the sixth time on 1 February 1938, a widow
20 in her forties who was raped eighteen times, and a
21 widow seventy-seven years old who was twice raped by
22 Japanese soldiers while on her way from her home to
23 the safety zone at Ginlin College, of a woman eighty
24 years old who was shot and killed by a Japanese soldier
25 when she refused his advances with the statement, "I am

1 too old." He further testified that a Japanese officer
2 catching a soldier in the actual act of raping a woman,
3 only slapped the soldier, and that Japanese sentries to
4 whom he reported cases of rape by Japanese soldiers
5 only laughed (R 3906-16).

6 39. Mrs. Shue Fang Tsen, the Director of
7 Dormitories of Ginling College on the grounds of which
8 there were more than 10,000 women and girl refugees,
9 stated how soldiers in spite of all the efforts of
10 Miss Vautrin entered the grounds and carried off girls,
11 some of whom, horribly raped and abused by Japanese
12 officers, finally made their way back to the safety
13 zone. She stated:

14 " *** During the first four weeks every
15 night soldiers would come to get our girls and Miss
16 Vautrin with what help she had would try to keep them
17 from the girls. The worst of it was during the first
18 four or five weeks.

19 " *** Miss Vautrin went to the Japanese Consul
20 time and time again and reported the actions of the
21 soldiers and asked protection for the girls. It was
22 four or five weeks before the situation began to cease
23 and then several months before the danger was passed.

24 "In other safety zones where there were no
25 foreigners like Miss Vautrin to help, the situation

1 was much worse than at Gingling College. *** " (R 4465-
2 66).

3 40. Wong Pan Sze detailed how Japanese trucks
4 came to a safety zone at No. 100 Shanghai Road where
5 five hundred persons were living and carried off
6 women to be abused by Japanese soldiers. He saw the
7 desecrated body of a girl of fifteen who had died
8 as a result of the raping, and how, when a husband
9 tried to protect his wife from Japanese soldiers,
10 they stuck a wire through his nose, tied him to a tree,
11 "just like one would tie a bull", and bayoneted him
12 to death (R 4501-03).

13 41. Mrs. Woo Chang Sze described how a girl
14 of eighteen died as a result of repeated rapings at
15 the hands of Japanese soldiers in a home formerly
16 occupied by a German family near the American Embassy
17 to which she had come as a place of safety (R 4504-05).

18 42. Mrs. Chang Kia Sze described how twelve
19 Japanese soldiers and officers raped and killed a
20 Chinese woman in the presence of her husband and
21 children, killed the husband for attempting to defend
22 his wife, and the two children because they wept when
23 their mother was being raped (R 4506-07).

24 43. Chen Fu Pao testified that he saw three
25 Japanese soldiers rape a dumb girl sixteen years old,

and later saw a Japanese soldier drive a husband from home and rape his pregnant wife (R 2609-10).

44. James H. McCallum, an American missionary, wrote in his diary on 17 December 1937:

" *** Rape! Rape! Rape! -- We estimate at least 1000 cases a night, and many by day. In case of resistance or anything that seems like disapproval there is a bayonet stab or a bullet. We could write up hundreds of cases a day. People are hysterical; they get down on their knees and 'Kowtow' any time a foreigner appears. They beg for aid. * * Women are being carried off every morning, afternoon and evening. The whole Japanese army seems to be free to go and come anywhere it pleases, and to do what it pleases." (R 4467-68). And on 3 January 1938, he noted:

" *** But each day has a long list of bad reports. A man was killed near the relief headquarters yesterday afternoon. In the afternoon a Japanese soldier attempted to rape a woman; her husband interfered and helped her resist; but in the afternoon the soldier returned and shot the husband.

"This morning came another woman in a sad plight and with a horrible story. She was one of five women whom the Japanese soldiers had taken to one of their medical units -- to wash their clothes by day,

1 to be raped by night. Two of them were forced to satisfy
2 from 15 to 20 men, and the prettiest one as many as 40
3 each night. This one who came to us had been called
4 off by three of the soldiers in an isolated place, where
5 they attempted to cut off her head. The muscles of the
6 neck had been cut but they failed to sever the spinal
7 cord. She feigned death but dragged herself to the
8 hospital -- ***."

9 And on 8 January 1938 he recorded in his diary:

10 "Some newspaper men came to the entrance of a
11 concentration camp and distributed cakes and apples,
12 and handed out a few coins to the refugees, and moving
13 pictures taken of this kind act. At the same time a
14 bunch of soldiers climbed over the back wall of the
15 compound and raped a dozen or so of the women. There
16 were no pictures taken out back *** ." (R 4477).

17 45. The official report made to the American
18 Ambassador to China on 25 January 1938 by the Vice-Consul
19 following his return to Nanking, summarizing what had
20 occurred in that city since the Japanese occupation, said:

21 "The soldiers are reported to have sought out
22 the native women wherever they could be found to violate
23 them. Reference is made to the enclosures of this report
24 for description of such occurrences. During the early
25 part of the Japanese occupation over a thousand such

1 cases a night are believed by the foreigners here to
2 have occurred and one American counted thirty such
3 cases in one night in one piece of American property."
4 (R 4573).

5 (4) Robbery, Looting and Wanton
6 Destruction of Property.

7 46. Pillage by the soldiers and destruction
8 of private property began after the fall of the city
9 and when it was entirely in the hands of the Japanese
10 military forces. Private residences, schools, hospitals,
11 public buildings were entered and personal property of
12 every kind stolen and carried off by the soldiers.
13 After several days of occupation, organized pillages
14 and burning by the soldiers began and continued for some
15 six weeks. Trucks guarded by soldiers would be stopped
16 in front of a store, all of the goods in the store
17 removed by the soldiers or persons directed by them,
18 and then the building would be burned. This was repeat-
19 ed block by block, day after day, for a period of four
20 or five weeks. The Y.M.C.A. Building, numerous church
21 buildings, school buildings, public buildings and private
22 residences, including the Russian Embassy, were burned
23 by Japanese soldiers.

24 47. At the time of its capture, only small
25 sections of the great city of Nanking had been damaged

1 in the military campaign which preceded its capture.
2 As a result of the systematic and continued burning of
3 dwellings, stores, churches, schools and public build-
4 ings by the soldiers during the first five or six weeks
5 following the capture of the city, it became a ruined
6 and despoiled city. Dr. Bates testified:

7 " *** Practically every building in the city
8 was entered many, many times by these roving gangs of
9 soldiers throughout the first six or seven weeks of
10 the occupation. In some cases the looting was well
11 organized and systematic, using fleets of army trucks
12 under the direction of officers. The vaults in the
13 banks, including the personal safe deposit boxes of
14 German officials and residents, were cut open with
15 acetylene torches. * * *

16 "The foreign embassies were broken into and
17 suffered robbery, including the German Embassy and the
18 personal property of the Ambassador. Practically all
19 commercial property of any noticeable value was taken.

20 " * * * With the exception of one or two minor
21 fires, apparently started by drunken soldiers, there
22 was no burning until the Japanese troops had been in
23 the city five or six days. Beginning, I believe, on
24 the 10th or 20th of December, burning was carried on
25 regularly for six weeks. In some cases the burning

1 followed looting of a line of stores, but in most
2 instances we could not see any reason or pattern in it.
3 At no time was there a general conflagration, but the
4 definite firing of certain groups of buildings each
5 day. Sometimes gasoline was used, but more commonly
6 chemical strips, of which I secured samples.

7 "**** they (the Russian Embassy buildings)
8 were burned at the beginning of 1938. Also, just to
9 illustrate the range of burning, the Y.M.C.A. Building,
10 two important church buildings, the two chief German
11 commercial properties with the swastika flying upon
12 them, were among those burned." (BATES, R. 2635, 2636,
13 2637, 2638).

14 Dr. Hsu testified as follows:

15 "**** Japanese soldiers do not respect any
16 property rights or any personal possessions. They
17 enter every house and take away everything they like.
18 They burn the houses and they damage the houses. They
19 destroy the houses.

20 "**** Japanese soldiers started burning the
21 Russian Legation Embassy where I saw they poured
22 kerosene oil on that and started the fire. That was on
23 January 1, 1938, at twelve o'clock. Other institutions
24 like Y.M.C.A., educational buildings and prominent
25 citizens' residences have all been burned.

1 "Q Were these buildings burned after the
2 occupation of the city by the Japanese?

3 "A Yes, this all wanton destruction all done
4 after the Japanese been in the city many days. *** "
5 (HSU, R 2576-77).

6 Magee testified:

7 " *** The Japanese soldiers took from the
8 people anything that struck their fancy; wristwatches,
9 fountain pens, money, clothing, food. I took to the
10 hospital in those first few days of occupation a
11 half-witted woman of forty-one who was stabbed in the
12 neck because she grabbed at some bedding that a Japanese
13 soldier was taking away from her. ***

14 " *** The burning continued day by day in
15 different parts of the city. One of our own Episcopal
16 church missions was partly burned, and later on they
17 finished the job on January 26. The Christian Disciples
18 Mission was burned -- one of their school buildings was
19 burned, the Y.M.C.A., the Russian Embassy, and a great
20 many homes of the people outside of our safety zone.

21 "Every once in a while these soldiers would
22 leave behind little black sticks of some substance
23 which may have been termite. It was highly inflammable,
24 and it was no doubt what they were using to set fire to
25 the buildings." (Magee, R 3920-21).

1 Fitch noted in his diary on December 20, 1937
2 that:

3 " *** vandalism and violence continued
4 unchecked. All Taiping Road, the most important
5 shopping street in the city, was in flames. I saw
6 many Japanese army trucks being loaded with the loot
7 which they were taking from the shops before setting
8 fire to them, also witnessed one group of soldiers
9 actually setting fire to a building. I drove next
10 to the Y. M. C. A., which was already in flames,
11 evidently fired only a short time previously. That
12 night I counted fourteen fires from my window, some
13 of them covering considerable areas. *** " (R 4462).

14 . McCallum recorded in his diary on 27 December
15 1937:

16 " *** Every foreign house is a sight to behold,
17 untouched until the Japanese army arrived; nothing
18 untouched since. Every lock has been broken, every
19 trunk ransacked. Their search for money and valuables
20 has led them to the flues and inside pianos.

21 "**** Nanking presents a dismal appearance.
22 At the time the Japanese Army entered the city little
23 harm had been done to the buildings. Since then, the
24 stores have been stripped of their wares and most of
25 them burned. Taiping, Chung Hwa, and practically

1 every other main business road in the city is a mass
2 of ruins. *** " (R 4469).

3 48. The secret report of a German eye witness
4 which General von Falkenhausen authorized should be
5 transmitted as strictly confidential to the German
6 Foreign Office in Berlin, describing the actions of
7 the Japanese soldiers in Nankin from 8 December 1937 to
8 13 January 1938, said:

9 " *** They took all seizable stores of food
10 stuffs from the refugees, the woolen sleeping blankets,
11 the clothes, the watches -- in short, everything which
12 seemed worth taking with them.

13 " *** It was no rare picture that a single
14 Japanese soldier drove four coolies who had to carry
15 his loot. This organized thieving and plundering
16 lasted fourteen days and even today one is still unsafe
17 from some groups. *** " (R 4599-4600).

18 Then, reciting that by far the greater part of
19 the city was undamaged at the time of its capture, the
20 report continues:
21

22 "The picture of the city has changed completely
23 under Japanese rule. No day goes by without new cases
24 of arson. It is now the turn of the Taiping Lou,
25 the Chung Shen Tung Lou, Go Fu Lou, Kio Kian Lou. The
entire southern part of the city and Fudse Miave are

1 completely burned and plundered down. Expressed in
2 percentages, one could say that 30 to 40 per cent of
3 the city has been burned down. *** " (R 4601).

4 49. The official report made to the American
5 Foreign Office stated, "No attempt is known to have been
6 made to extinguish the flames of any building on fire."
7 (R 4578).

8 (5) Total Number of Persons Killed
9 at Nanking after the Capture of
10 that City.

11 50. It is impossible definitely to determine
12 the total number of citizens of Nanking killed by the
13 Japanese soldiers following the fall of that city.
14 Bodies of civilians killed by the Japanese soldiers
15 littered the streets for weeks. Corpses were lying in
16 doorways, yards, gardens, in public buildings and in
17 private dwellings throughout the city. Huge piles of
18 charred remains beside the ponds and the river indicated
19 where massacres had occurred. Two charitable organiza-
20 tions, the Red Swastika Society and the Tsung-Shan-Tong,
21 for months, engaged in burying the dead in and around
22 Nanking, burying only those bodies which the family or
23 friends of the decedent had not buried.

24 51. The records of the Red Swastika Society,
25 of which Dr. Hsu was Vice-President, show that this
society buried 43,071 corpses of civilians -- men, women

1 and children -- in and around Nanking during the period
2 of several months following the fall of that city
3 (R 4537-40).

4 52. The records of the Tsung-Shan-Tong
5 indicate that the total number of victims buried by
6 that organization in the vicinity from 26 December 1937
7 to 20 April 1938 was 112,266 (R 4537-39).

8 53. The report of the Chief Prosecutor of
9 the District Court of Nanking, dated 20 January 1946,
10 giving the facts which his investigation had disclosed
11 concerning the conditions in Nanking following the fall
12 of that city summarized as approximately 260,000 the
13 number killed by the Japanese troops in and around
14 Nanking following the fall of that city. (R 4536-37).

15 54. The summary report on the investigations
16 of Japanese war crimes committed in Nanking prepared by
17 the Procurator of the District Court of Nanking in
18 February 1946 determined that at least 300,000 persons
19 were massacred collectively or murdered individually
20 by the Japanese troops in Nanking (R 4542-47).

21 (6) The Reign of Terror Continued
22 for More Than Six Weeks.

23 55. After describing the condition of numerous
24 civilians brought to the hospital to be treated for
25 injuries received at the hands of Japanese troops,

1 Dr. Wilson testified: "Cases like this continued to
2 come in for a matter of some six or seven weeks follow-
3 ing the fall of the city on 13 December 1937." (R 2538).

4 56. Dr. Hsu said, with regard to the period
5 of time during which the atrocities continued, "It was
6 the worst about the first few months, especially three
7 months, and later on it gradually diminished more or
8 less." (R 2584). Dr. Bates testified, "The terror was
9 intense for two and one-half to three weeks. It was
10 serious to a total of six to seven weeks." (R 2642).

11 57. Mr. Magee testified in reply to a
12 question as to how long the action of Japanese soldiers
13 towards civilians as he had described continued follow-
14 ing the fall of that city, said, "After about six weeks
15 it began to taper off, although many things happened --
16 individual things happened after that." (R 3922).

17 (7) Knowledge of the Continuing
18 Atrocities by Japanese Soldiers.
19 Was Brought Home to General
20 MATSUI and to the Japanese
21 Government in Tokyo.

22 (a) General MATSUI was in Nanking.

23 58. From General MATSUI's own statement, he
24 was in Nanking on 17 December 1937 and remained there
25 for one week before returning to Shanghai (R 3459). He
heard from Japanese diplomats as soon as he entered
Nanking that the troops had committed many outrages

1 there (R 3454). General MATSUI remained in command
2 until February 1938, and stated that he was then
3 relieved of command at his own request (R 3456). The
4 defendant, General MUTO, then adjutant to the Chief of
5 Staff, stated that he came to Nanking with General MATSUI
6 for the taking-over exercises and remained there for
7 ten days (R 3552-53). During the period that General
8 MATSUI remained in command, no effective steps were
9 taken to correct the situation.

10 (b) Reports of the International
11 Committee for the Nanking Safety
12 Zone.

13 59. The International Committee for the
14 Nanking Safety Zone was organized by a group of German,
15 British, American and Danish citizens who were in
16 Nanking before and at the time of the fall of that city.
17 Dr. John H. D. Rabe, a German, was Chairman and Dr. ~~7~~
18 S. C. Smythe was Secretary of this committee from
19 14 December 1937 until 10 February 1938. The names and
20 nationalities of the members of the committee appear on
21 pages 4508 and 4509 of the transcript of proceedings.
22 The purpose was to provide a refuge in a small non-
23 combatant zone where civilians might escape the dangers
24 of the fighting. (BATES, R 2625). After the fall of
25 the city, between 200,000 and 300,000 people crowded
into the safety zones (HSU, R 2561).

1 60. The International Committee for the
2 Nanking Safety Zone made daily personal reports to the
3 Japanese Foreign Office in Nanking, and almost daily
4 this committee delivered to Japanese consuls and
5 representatives of the Japanese Foreign Office in
6 Nanking, written reports setting out in detail specific
7 atrocities committed by the Japanese soldiers in the
8 safety zones in Nanking. These reports covering 425
9 groups of cases (some groups containing as many as
10 thirty different cases of rape or other crimes) began
11 on 16 December 1937 and continued until 2 February 1938
12 (R 4509-36). Dr. Smythe in his affidavit states:

13 " *** We filed nearly two protests every day
14 for the first six weeks of the Japanese occupation.
15 Usually one of these was taken to the Japanese Embassy
16 by Mr. Rabe and myself in person; the other was sent
17 by messenger.

18 " *** In the almost daily conferences that
19 Mr. Rabe and I had with the Japanese Embassy, they at
20 no time denied the accuracy of these reports. They
21 continually promised that they would do something about
22 it. But it was February 1938 before any effective action
23 was taken to correct the situation. *** " (R 4457-58).

24 Dr. Bates testified:

25 " *** Almost daily for the first three weeks

1 I went to the Embassy with a typed report or letter
2 covering the preceding day, and frequently had also a
3 conversation with the officials regarding it. These
4 officials were Mr. T. FUKUI, who had the rank of Consul,
5 a certain Mr. TANAKA, Vice-Consul, Mr. Toyoyasu FUKUDA.
6 The latter is now secretary to the Premier YOSHIDA. These
7 men were honestly trying to do what little they could in
8 a very bad situation, but they themselves were terrified
9 by the military and they could do nothing except forward
10 these communications through Shanghai to Tokyo." (BATES,
11 R 2638).

12 "In the letter of December 16th I complained
13 of many cases of abduction of women from the University's
14 properties and of the rape of thirty women in one
15 University building the previous night.

16 "In the letter of December 17th, besides
17 detailing the specific cases by rote, the reign of terror
18 and brutality continues in the plain view of your build-
19 ings and among your own neighbors.

20 "In the letter of December 18th I reported
21 that on the previous night rape had occurred in six dif-
22 ferent buildings of the University of Nanking * * *

23 "In a letter of December 21st, I complained
24 that many hundreds of refugees had been taken away for
25 forced labor. * * *

1 "On Christmas Day I reported that in one build-
2 ing of the University about ten cases per day of rape and
3 abduction were continually occurring.

4 "On the 27th of December, after a long list
5 of individual cases, I wrote: 'Shameful disorder con-
6 tinues and we see no serious efforts to stop it. The
7 soldiers every day injure hundreds of persons most ser-
8 iously. Does not the Japanese Army care for its
9 reputation?' (BATES, R 2640-42).

10 61. He testified that the situation did not
11 substantially improve until the fifth or sixth of
12 February 1938, and that he knew that the reports made
13 to the Japanese Consulate in Nanking were sent by it
14 to the Japanese Foreign Office in Tokyo (R 2643-44;
15 2661). He said:

16 "I have seen telegrams sent by Mr. Grew, the
17 Ambassador in Tokyo, to the American Embassy in Nanking,
18 which referred to these reports in great detail and
19 referred to conversations in which they had been dis-
20 cussed between Mr. Grew and officials of the Gaimusho,
21 including Mr. HIROTA" (one of the defendants). (BATES,
22 R 2661).

23 62. On December 16, Smythe, the Secretary of
24 the committee, wrote Mr. FUKUDA of the Japanese Foreign
25 Office, in submitting a detailed list of cases of

1 disorders by Japanese in the safety zone, "Yesterday
2 the continued disorders in the Safety Zone increased the
3 state of panic among the refugees." (R 4509).

4 63. On December 18, Rabe, the Chairman of the
5 committee, wrote the Japanese Embassy giving details
6 of atrocities committed by Japanese troops in the
7 safety zone, his letter beginning:

8 "We are very sorry to trouble you again but
9 the sufferings and needs of the 200,000 civilians for
10 whom we are trying to care make it urgent that we try
11 to secure action from your military authorities to
12 stop the present disorder among Japanese soldiers
13 wandering through the Safety Zone." (R 4516).

14 64. On December 19th the Secretary of the
15 committee wrote the Japanese Embassy in submitting a
16 further list of disorders by Japanese soldiers in the
17 Safety Zone: " ** I am also very regretful to have to
18 report that the situation today is as bad as ever."
19 (R 4524).

20 65. On December 20 the opening paragraph
21 of the letter from Chairman Rabe to the Japanese
22 Embassy was:

23 "Herewith is the sad continuation of the
24 story of disorders by Japanese soldiers in Nanking,
25 cases Nos. 71 to 96. You will note that of these

1 26 cases reported to us since yesterday, 14 of them
2 occurred yesterday afternoon, night and today. Conse-
3 quently there does not seem to be much improvement in the
4 situation." (R 4528).

5 66. The letter from the Secretary of the
6 committee to the Japanese Embassy on December 21, sub-
7 mitting a list of cases which had occurred since the
8 previous afternoon, stated:

9 " *** It should be borne in mind that some of
10 these women who have daily been raped in our Zone are
11 the wives of pastors, Y.M.C.A. workers, college
12 instructors, and others who have always lived a self-
13 respecting life. ** " (R 4531).

14 67. On 21 December the twenty-two foreign
15 residents of Nanking delivered a letter to the Japanese
16 Embassy asking in the name of humanity and for the welfare
17 of over 200,000 civilians in Nanking that the burning
18 throughout the city and the disorderly conduct of the
19 Japanese troops in the city which was causing so much
20 suffering to the civilian population be immediately
21 stopped. (R 4531-32).

22 68. On 2 February 1938 a report was filed by
23 the committee setting out seventy-seven separate cases
24 of rape, four cases of murder and thirteen cases of
25

1 robbery, all reported to have occurred during the last
2 week of January 1938. (R 4536).

3 69. Magee testified that in addition to the
4 reports from the committee, he went "many times to the
5 Japanese Embassy to tell of individual cases of outrage,"
6 (R 3922), and that:

7 "On December 21st, Vice-Consul TANAKA told me
8 that the bad division then in Nanking would be changed
9 for a better one and that he thought by December 24th
10 everything would be settled; but by December 24th and
11 after that there was no apparent betterment." (R 3904).

12 c) The Foreign Office in Tokyo
13 Had Knowledge of the Situation
14 in Nanking.

15 70. American Ambassador Grew continued
16 through January 1938 to protest to the Japanese Foreign
17 Minister (the defendant HIROTA) the reported conduct of
18 Japanese troops in Nanking, and On January 19 Grew
19 reported from Tokyo that HIROTA had laid his (Grew's)
20 protest before the Cabinet and

21 "that a drastic measure to assure compliance
22 by forces in the field with instructions from Tokyo is
23 being considered. He said that he would probably be in
24 a position tomorrow to inform us of the measure to be
25 taken." (R 4558).

71. NOBUTUMI ITO, Minister-at-large from

Japan to China from September 1937 to February 1938,
1 testified that he was in charge of negotiations with
2 the diplomatic corps and members of the press at Shanghai,
3 as well as in charge of information, and that

4 "I received reports from members of the
5 diplomatic corps and from press men that the Japanese
6 Army at Nanking had committed various atrocities at
7 the time" (R 3505).

8 He further testified that he did not seek to verify these
9 reports, but sent a general resume of the reports to the
10 Foreign Office in Tokyo, all of which were addressed to
11 the Foreign Minister (the defendant HIROTA). (R 3505-6).
12

13 72. No effective action to correct the situ-
14 ation at Nanking was taken for a period of more than
15 six weeks after knowledge of the continuing atrocities
16 by Japanese soldiers was brought home both to the
17 Japanese Foreign Office and the Japanese high command in
18 Tokyo. These actions were continued with the knowledge
19 and assent of both the military and civil authorities
20 of Japan, and fully justified the statement contained
21 in the secret report of the German eye witness to the
22 Happenings in Nanking, sent by Trautmann to the German
23 Foreign Office in Berlin on 16 February 1938:

24 "The fateful days of Nanking have clearly
25

shown two facts: (1) the failure of the control of
the defense of the fort of Nanking; (2) the lack of
discipline, atrocities, and criminal acts not of an
individual but of an entire army, namely, the Japanese."
(R 4604).

This was the Japanese manner of waging its
undeclared war against China.

B. Similar Atrocities were Committed by Japanese
Troops Throughout the Occupied Areas of China.

73. The conduct of the Japanese troops at
Nanking was no isolated case. Similar atrocities to
those committed against civilians and others there for
a period of more than six weeks following the fall of
that city took place in every province occupied by
Japanese troops in China. The same types of atrocities
by Japanese troops against the Chinese people were
repeated every year from 1937 to 1945. Typical instances
which the evidence discloses of the actions of Japanese
troops throughout all parts of occupied China are set
out below:

1) Kiangsu Province.

74. Liu Teh Shan stated that when the
Japanese troops captured Soochow in Kiangsu Province
in November 1937, they killed four merchants, openly
declared they would kill all people seen by them, and

killed innumerable civilians (R 4608). Chen Ya Ching
1 described the massacre with machine guns of more than
2 two hundred merchants by Japanese troops after they
3 occupied Nan Hsiang in Kiangsu Province on 10 October
4 1937 (R 4609).

5 2) Hupei Province (in which is
6 situated Hankow, Count 47 of
7 the Indictment).

8 75. Dorrance, who was at the time Manager of
9 the Standard Oil Company at Hankow, testified that after
10 the occupation of that city by the Japanese in 1938, he
11 watched Japanese soldiers kicking captured Chinese soldiers
12 into the water on the Yangtze River and shooting those
13 who came to the surface (R 3392). When the Japanese
14 troops noticed that their actions were being observed
15 by American citizens, they would put the Chinese soldiers
16 in a steam launch, take them out in the middle of the
17 Yangtze River and there throw them overboard and shoot
18 them when they came up (R 3393). He also testified that
19 he saw on the streets of Hankow, "Chinese men dressed
20 in Chinese gowns with their hands wired behind them,
21 and that they had been shot *** " (R 3396). This evidence
22 tends to establish the charge in Count 47 of the Indict-
23 ment. Ten statements were offered in evidence, of separate
24 witnesses, showing specific instances of wanton destruc-
25 tion of property by the 65th Regiment, 104th Brigade,

13th Division of the Japanese Army, which occurred in
Hupeh Province in 1943 (R 4609).

3) Hunan Province (in which are
situated Changsha, Count 48 of
the Indictment, and Hengyang,
Count 49 of the Indictment.)

76. TANURA, Nobusada, Lance Corporal of the
Japanese Army, stated:

"During the second Changsha Campaign in September
1941, the third company (under command of Captain SASAKI,
Ichi) of the second Battalion (under the command of
Major TAKAHASHI, Sakayoshi) attached to the second
Independent Mountain Artillery Regiment (under the com-
mand of Colonel MARITO, Ryuzo) of the sixth Division of
the Japanese Army, forced more than 200 Chinese prisoners
of war in Chen Tung Shih, Changsha, Hunan, to plunder
large quantities of rice, wheat and other commodities.
After they returned, the Japanese forces, numbering
more than 200, in order to hide these crimes, massacred
these Chinese by artillery." (R 4611-12).

77. Hsieh-Chin Hua described how the Japanese
forces after they had occupied Changsha "freely indulged
in murder, rape, incendiarism, and many other atrocities
throughout the district," and how on the evening of
17 June 1944, more than 100 Japanese soldiers went to
To Shih, Shi Shan and machine-gunned and set fire to all

1 houses from both ends of the streets, totally destroying
2 more than a hundred business places with the stocks of
3 goods (R 4612-13).

4) Hopei Province.

9 78. Liu Yao Hwa testified that 24 civilians
5 were killed in his village by the Japanese soldiers in
6 1937, and two-thirds of the houses in the village were
7 burned. He also testified to instances of rape and
8 murder committed by Japanese soldiers, including the
9 rape of a thirteen year old girl, by eight soldiers,
10 resulting in her death, and that two Chinese men were
11 tied, blindfolded, and stabbed to death by bayonets upon
12 order of a Japanese officer (R 4615-16).

14 79. Ti Shu-Tang testified that after the
15 Japanese occupied his village in 1941 they forced about
16 sixty men, women and children into a house and then set
17 the house afire, shooting those who tried to escape;
18 and that in 1942 Japanese troops required about forty
19 Chinese women to undress and parade in public view,
20 shooting those who tried to avoid embarrassment by
21 jumping into a pool; that although he had never been a
22 soldier he was taken with other civilians and required
23 either to join the puppet forces or to go as a captive
24 to Japan. He refused to join the puppet force and was
25 brought to Japan and forced to labor until the end of

the war. Of 981 in this group, 418 died (R 4619-20).

1 80. Colonel KIANG, Cheng-Ting, Judge of the
2 Military Court for Trying War Criminals in the General
3 Headquarters of the Eleventh War Zone of China, described
4 the atrocities committed by Japanese troops throughout
5 North China, detailing numerous instances of torture and
6 murder of civilians, including two separate massacres
7 of civilians in Kao-Yang Hsien in 1938, by the Ishimatsu
8 Unit; the massacre of 200 civilians in September of 1943,
9 and the killing of over a thousand by starvation or
10 freezing in Jen-Chiu Hsien; and the massacre "by swords
11 or burying them alive" of 128 women and children by the
12 38th Battalion of the 4204 Japanese Army Unit at the
13 village of Chuan-Twen-Tseng in 1945 (R 4634-35).

14 81. In describing the means of torture, Col-
15 onel Kiang stated how prisoners were driven into yards
16 where hungry police dogs tore them to pieces, how water
17 was poured into the nostrils of prisoners, electric
18 current was passed through their bodies to force
19 confessions, and live matches and hot irons applied to
20 their person. Many women were required to engage in
21 sexual intercourse or be shot (R 4637-38).

22 82. Cheng Wei-Hsia stated the means of torture
23 used by Japanese troops against members of the secret
24 society of young Chinese who sought to carry on under-
25

1 ground work against the Japanese, which included beating
2 into insensibility, pouring water into the victim until
3 he stopped breathing, boring the palms with sharp
4 instruments, passing electric current through the body
5 until the victim became unconscious, swinging in the
6 air by the thumbs, throwing bound victims into pools
7 of water until suffocated, pulling out finger nails
8 and stripping women victims and requiring them to sit
9 over charcoal stoves (R 4640-43.)

10 83. Wong Chung Fu described the torture kill-
11 ing of over 1000 Chinese high school and college
12 students by the Japanese soldiers in Peiping in
13 July 1940 (R 4645).

14 84. KINOSHITA, Masaichi, a Japanese merchant,
15 stated that seven civilians suspected of having been
16 guerillas were bound to trees by the Japanese soldiers
17 and bayoneted to death (R 4646). Wang Chun Fu described
18 the torture and rape of girl students of Bridgeman
19 Middle School, Peiping, in 1940 (R 4647).
20

21 5) Kwantung Province (in which is
22 situated the city of Canton,
Count 46 of the Indictment).

23 85. Wang Shi Ziang described the massacre
24 of over 700 Chinese civilians by Japanese troops at
25 Liang Doong village, and numerous acts of robbery and
wanton destruction of property by the Japanese soldiers

1 in this vicinity (R 4648). Liu Chi Yuan stated that
2 more than 2000 civilians, men women and children, were
3 massacred by the Japanese troops after they captured the
4 city of Wei-Yang in 1941 (R 4650.)

5 6) Kwangsi Province (in which are
6 situated the cities of Kweilin
and Liuchow, Count 50 of the
Indictment).

7 86. An official statement from the President
8 and City Council at Kweilin described the organization
9 of an arson corps by the Japanese soldiers in that city,
10 and the wholesale burning of the city, resulting in the
11 destruction of more than 10,000 rooms (R 4652). Nine
12 citizens of the city stated how women were forced into
13 prostitution with Japanese soldiers; and hundreds of
14 Chinese troops who had been taken prisoner were killed
15 and their bodies exposed to view on the Imperial Wall
16 or thrown into the Lee River (R 4653).

17 87. Twelve additional statements were intro-
18 duced from citizens of Kwangsi Province, describing twenty-
19 one murders and instances of looting, rape and abduction
20 of women by Japanese soldiers which occurred in Kwangsi
21 Province during 1944 and 1945 (R 4654.)

22 7) Jehol Province.

23 88. Under pretext of searching for members
24 of the guerilla forces, the Japanese troops in August
25

1 of 1941 killed all members of 300 families and burned
2 the entire village of Si Tu Ti in Ping Chuan District
3 in Jehol Province. (Statement of Liu Shi-un Ju; R 4656).

4 8) Suiyuan Province.

5 89. Ten statements were introduced, giving
6 instances of looting, burning and the murdering of
7 civilians by Japanese troops in Suiyuan Province in
8 1940. Typical of these is the statement of Hu Tsi Ni:

9 "On February 3, 1940, five Japanese soldiers
10 of the 13th Regiment of the 26th Division under the
11 command of KUYODA Jutoku, went to the home of CHIA Jen.
12 They asked him for pretty women. He failed to find any;
13 thereupon the Japanese soldiers killed him by beating
14 him all over with a red-hot spade." (R 4660.)

15 9) Shansi Province.

16 90. Goette testified that he was in Shansi
17 province several times during 1938, 1939 and 1940, and
18 that British and American missionaries reported to him
19 that missionaries were imprisoned by the Japanese for
20 treating wounded Chinese soldiers in mission hospitals;
21 they also reported many cases of rape committed by Jap-
22 anese soldiers there; and that

23 "The formal demand by the Japanese Army on
24 local Chinese officials to provide women for the use of
25 the Japanese Army was a commonplace thing; it was commonly

1 accepted by the Chinese officials and by the Japanese
2 Army. *** " (R 3775).

3 10) Yunnan Province.

4 91. G. J. Hsu, a Chinese merchant, testified
5 to the looting by Japanese troops of Chinese civilians
6 at the Salween River on the Burma highway in May 1942;
7 and that he was one of two survivors of a group of over
8 thirty civilians captured there by Japanese soldiers,
9 seated in a semi-circle and the others killed by machine-
10 gun fire. He told of instances of rape by Japanese
11 soldiers and how the road to the river was lined with
12 the bodies of over 1000 civilians who had been shot
13 (R 2620-22).

14 C. The Japanese Pattern of Warfare.

15 92. The evidence of atrocities committed by
16 Japanese troops against the citizens of the Republic of
17 China is typical of the conduct of Japanese troops in
18 China. The instances of (1) massacre and murder;
19 (2) torture; (3) rape; (4) robbery, looting and wanton
20 destruction of property are shown by the evidence to
21 have occurred in every Province of occupied China and
22 covered the period from 1937 until the end of the war.
23 The commission of these atrocities by Japanese soldiers
24 in city after city, and province after province throughout
25 China, and the continuation of this type of conduct on

1 the part of the Japanese soldiers, month after month,
2 and year after year from 1937 to 1945, establishes
3 clearly that this method of warfare was approved by
4 and assented to, not only by the commanding officers
5 of the Japanese troops in China, but by the Japanese
6 high command and the Japanese Government in Tokyo.
7 Their responsibility for these crimes which shocked
8 the conscience of humanity is inescapable. This was
9 the Japanese pattern of warfare.
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POW SUMMATION - APPENDIX B

PART I SUMMARY OF EVIDENCE IN REATION TO
TREATMENT OF PRISONERS OF WAR,
CIVILIAN INTERNEES AND INHABITANTS
OF OCCUPIED COUNTRIES IN PLACES
OTHER THAN THE PHILIPPINES BETWEEN
DECEMBER 1941 AND SEPTEMBER 1945.

- - -

DIVISION 1 UP TO 30 JUNE 1942.

Indictment
Ref to App 'D.'

1. Ambon Island Group(1) Principal Atrocities and Incidents.

Sec 1 & 10 (a) 1st Feb 42. 10 Australian soldiers who had been captured were bayoneted to death at Sowacoad on orders of Rear-Admiral HATAKEYAMA because they were likely to become a drag upon the movement of the Admiral's force in the rear. (Ex 1819, 1819B at pp. 13930-40.)

Sec 1 & 10 (b) 5th Feb 42. 50 Australian soldiers who had surrendered some days previously were executed with swords and bayonets at Sowacoad on orders of Rear-Admiral HATAKEYAMA because he had received a report from Ensign SAKAMOTA that the prisoners had "either rebelled against him or made desertions because

of the misunderstanding due to differences of language" and he was at loss with small number of guards for treatment of prisoners. None of these men were tried. (Ex. 1819 at p. 13930.)

Sec 1 & 10 (c) 6th Feb 42. 30 Australian or Dutch POW were executed near Laha Airfield on the orders of Rear-Admiral HARAKEYAMA because of disobedience caused partly by misunderstanding of language. None of these men were tried. (Ex 1819 to 13930.)

Sec 1 & 10 (d) 20th Feb 42. 220 Australian or Dutch POW were executed near Laha on orders of Commanding Officer HAYASHI because it was feared that some of them would escape and convey information to the Allies. (Ex. 1819, 1819B at pp. 13930-40)

(2) POW and Internment Camps.

Sec 5 (a) (a) Tan Toey Barracks.

During this period food was reasonably good and sufficient. Accommodation also was good, as POW were confined in the barracks they had occupied prior to invasion. Medical supplies were inadequate. (van Nooten, p. 13948)

2. Andaman and Nicobar Islands.

Nil

3. Borneo

(1) Principal Atrocities and Incidents.

1 Sec 1, 4(a) (b) & 10 (a) 12 Jan 1942; Near
2 Tarakan, about 30 Dutch POW, who had been captured on
3 the previous day, were blindfolded, tied up and
4 bayoneted to death, for refusing to give information
5 to Japanese as to direction of Tarakan. (Ex. 1685 at
6 pp. 13492-5)

7 Sec 1, 4(a) (b) & 10. (b) 12 Jan 42:
8 Near Tarakan, 215 Dutch troops, having surrendered,
9 were machine gunned and buried at sea. Communications
10 had been cut off with this force, which consequently
11 was not informed of the surrender, and which had
12 fired on and sank 2 Japanese destroyers, and the kill-
13 ing was in retaliation. (Ex. 1685, 1686 at pp.
14 13492-98)

15 Sec 1 & 12 (c) 24 Feb 42: At Balikpapan,
16 80 to 100 Europeans, comprising the total white
17 population, were brutally murdered, after Japanese
18 occupation. (Ex. 1341 at pp. 12049-53)

19 Sec 1, 4(a) (d) 17 June 42: At Pontianak,
20 3 Dutch POW escapees were recaptured and beheaded
21 without trial. (Ex. 1694 at p. 13511)

22 (2) POW and Internment Camps.

23 Sec 2(a) (e) 5(a) (a) Tarakan Camp

24 Conditions extremely bad; accommodation
25 overcrowded; heavy and exhausting work on military

1 projects; unhygienic conditions, causing the number
2 of sick, especially dysentery patients, to increase
3 daily. All clothes confiscated except 2 pairs of pants
4 per man. All books, notes burnt; all money and val-
5 uables taken away; food and medical supplies insuffi-
6 cient. Working with the upper part of the body naked
7 and shaven heads caused the number of sick to increase.
8 (Ex. 1686 at pp. 13495-7)

9 (b) Balikpapan Camp

10 Sec 3, 4(a) & (b) 5(a) Conditions extremely
11 bad; food insufficient in quality and quantity; medical
12 supplies insufficient; constant ill treatment and many
13 severe beatings. Inadequate clothing. (Ex. 1691 at
14 pp. 13504-7)

15 (c) Kuching Camp

16 Sec 1, 2(a) (c) (d) (e), 3 213 Indians
17 confined in one cell, day and night, for one month.
18 Later forced to work long hours on the airstrip.
19 Constant beatings; rations insufficient. (Ex. 1655,
20 1656, at pp. 133112-4)

21 (d) Seria Camp

22 Sec 1, 2(d) (e) 3, 5 (a); Constant beatings.
23 Sick compelled to work and if too sick to do so, they
24 were beaten. Some died as a result. Rations inad-
25 equate. Accommodation overcrowded. (Ex. 1655, 1656

at pp. 13312-4)

4. Burma and Siam

(1) Principal Atrocities and Incidents.

Sec 1 & 12 (a) 13 Dec 41: 22 European men and women and 8 Indian soldiers were locked up in a room at Kempong Toh. Japs threw in a grenade and after explosion rushed in and shot and bayonnetted those in the room. Nearly all were killed. (Ex. 1587 at p. 13107)

Sec 1 & 4(a) (b) 6 June 42: 8 Australian POW who had escaped from Tavoy Aerodrome were recaptured and executed without trial. (Ex. 1581 at p. 13099)

Sec 1 & 4(a) (c) June 42: Pte Goulden recaptured after escape was executed without trial at Victoria Point. (Ex. 1580 at p. 13098)

(2) POW and Internment Camps.

Sec 2 (a) (d) (e), 3 & 5 (a) (a) Mergui: Arrived May 42. 1500 Australian POW confined in a school meant for classroom accommodation of about 400 children. Accommodation absolutely inadequate and gave rise to an outbreak of gaol fever. No drugs available. Japanese MO advised use of charcoal from kitchen. Coolie huts had to be used to hospitalize patients. Patients only clothing was what they wore

and when this had to be washed patients were left
1 lying naked on the bare floor. 20 deaths took place.
2 Deaths could have been avoided had proper medical sup-
3 plies been available. POW engaged in aerodrome con-
4 struction. (Coates pp. 11403-10, 11488) Food
5 consisted of about 400 grammes of rice per day, and
6 very little vegetable. Later 15 lbs of meat and bone
7 per day was divided between 1500 men. Prisoners of
8 war were compelled by corporal punishment to work on
9 construction of aerodrome. (Lloyd 13016-7)
10

11 5. The Celebes and Surrounding Islands.

12 (1) Principal Atrocities and Incidents.

13 Sec 1 & 10 (a) March 42: At Ralla, South
14 West Celebes; 8 Dutch POW were killed by bayonetting.
15 (Ex. 1797 at p. 13846)

16 Sec 1 & 10 (b) March 42: At Manado, 5
17 Dutch NCO's who had participated in guerilla activities,
18 and had been captured, were executed. (Ex. 1808 at
19 p. 13917)

20 Sec 1 & 10 (c) About March 42: At Manado,
21 2 Dutch NCO's, who had defended the aerodrome and had
22 been captured, were brutally maltreated and then
23 executed. (Ex. 1809 at p. 13918)
24
25

1 Sec 1, 4(a) (d) (d) 9 May 42: Three pris-
 2 oners being found in the wrong enclosure were so badly
 3 beaten that two had broken arms and one broken ribs.
 4 (Ex. 1805 at p. 13367)

5 (2) POW and Internment Camps.

6 (a) Macassar POW Camp

7 Sec 1, 2(a) (b) (c) (d) & (e), 3, 4 (a)
 8 (c), 5(a) (d), 8 (e): Bad accommodation, no furniture,
 9 no bedding, no clothing, overcrowded camps; exhausting
 10 labour on military objects; old and unfit men compelled
 11 to work; insufficient food in quality and quantity; bad
 12 sanitary conditions; medical supplies inadequately
 13 provided even during dysentery and malaria epidemics;
 14 as a consequence of malnutrition, the prisoners'
 15 health deteriorated both mentally and physically, and
 16 the death rate was high; no Red Cross parcels were
 17 distributed; no recreation was provided, even singing
 18 was forbidden; no mails; frequent and severe beatings;
 19 collective reprisals on the innocent and sick. (Ex.
 20 1804 at p. 13366)

21 Various sadistic tortures were inflicted
 22 on the prisoners. (Ex. 1805 at p. 13367)

23 (b) Toling Internment Camp, Manado

24 Sec 1, 3, 4 (a) (b) 5(a): The food was bad
 25 and insufficient in quantity; no medicines were supplied;

1 discipline was maintained by terrorization, severe
2 beatings, torture and confinement in cells under
3 miserable conditions. (Ex. 1810 at p. 13920)

4 6. China other than Hong Kong.

5 (1) Principal Atrocities and Incidents.

6 Sec 1 & 12 (a) About 10 March 1942: At
7 Shanghai Prison Camp, an American internee, who was
8 standing near the prison fence, was shot and killed
9 without provocation by a Japanese guard. (Ex. 1890
10 at p. 14161)

11 Sec 1 & 3 (b) March 1942: At Shanghai
12 Prison Camp, Woosung, an American civilian died from
13 malnutrition and starvation. (Ex. 1901 at p. 14179)

14 (2) POW and Internment Camps.

15 (a) Bridge House, Shanghai (Jap Gendarmerie
16 HQ)

17 Sec 1, 3, 5(a) 8 (a) & 12. Prisoners
18 confined under appalling conditions for alleged off-
19 ences. Filthy, verminous and overcrowded cells. Food
20 entirely inadequate. Sanitation entirely inadequate
21 and unhygienic. Both sexes confined in the same cell.
22 Prisoners slept on the floor and received inadequate
23 bedclothes. The general treatment of the prisoners
24 was an organized, premeditated and inhuman way of
25

breaking down resistance and morale. During the day they

1 were forced to sit at attention; sometimes forced to
2 kneel for 6 or 8 hours. Beating and torture adminis-
3 tered during interrogation. (Ex. 1393 at p. 14165,
4 Exs. 1900 and 1901 at pp. 14178-9) A prisoner killed
5 by bayonet thrust; mass punishments for individual
6 offences. Swiss Consul was refused permission to visit
7 prisoners. (Powell 3270, 3280)

8 (b) Woosung Prison Camp, Shanghai.

9 Sec 2(a), 3, 4 (d), 5(a) 8 (d): Conditions
10 deplorable, food inadequate. Sanitary conditions ab-
11 ominable. Water supply inadequate - sometimes no
12 water at all be obtainable for 24 hours. No stoves or
13 fuel for fires furnished. Prisoners slept on bare
14 boards with insufficient blankets; in winter temperature
15 fell to 15-20 degrees below zero. Practically no
16 clothing issued. No soap issued. No medical care
17 supplied. Prisoners were employed on war work. (Ex.
18 1901, at p. 14179, Ex. 1911 a t p. 14191, Ex. 1914 at
19 p. 14194)
20

21 In March 1942 an American POW who escaped
22 from Woosung Camp, was recaptured, tried by Court
23 martial under the provisions of Japanese military law
24 as a deserter from the Japanese Army, and sentenced to
25 10 years' confinement. (Ex. 1900 at p. 14178)

DEFENCE EVIDENCE - SAWADA, Comd 13 Army

Dec. 40-Oct 42, said that POW fairly and justly treated and Swiss International Red Cross was highly delighted when he inspected Shanghai POW Camp. (Ex. 3073 at pp. 27444-7)

7. Formosa.

Nil

8. French Indo China.

Nil

9. Hainan Island.

Nil.

10. Hong Kong(1) Principal Atrocities and Incidents.Sec 1, 5(a) (c) & 11. (a) 25/26 December

1941: When the Japanese entered St. Stephens College Hospital, Hong Kong, 15 to 20 wounded men were bayon-
etted in their beds by the Japanese. An inspection
the next day disclosed the hospital in a dreadful
state; two soldiers were found with their bodies badly
mutilated - their ears, tongues, noses and eyes having
been cut away from their faces. About 70 wounded
patients had been killed in their beds; the commanding
officer and his adjutant had been killed and badly
mutilated; several nurses had been raped by the Japan-
ese during the night and three others had been killed

1 and badly mutilated; the St. John's Ambulance men were
2 put in a room and systematically butchered by the
3 Japanese - only one survived. Altogether about 60 to
4 70 bodies of patients and 25 bodies of members of the
5 staff were collected and burned by order of the Japanese,
6 plus about 90 bodies from the battlefield. Large
7 quantities of food and medical supplies were looted
8 by the Japs. The Hospital was well-marked with Red
9 Cross signs. (Ex. 1590, 1591, 1592, 1593, at pp. 13162-
10 6 and witness Parnett 13112-13147)

11 Sec 1, 5(a) and 10. (b) About 19 Dec. 1941.

12 At a first aid post at the Salesian Mission, all the
13 medical personnel were lined up and bayoneted or
14 shot; there were two survivors out of 40-50. Any
15 wounded men found by the roadside were bayoneted or
16 shot also. (Ex. 1594, 1595, 1596 at pp. 13166-13169)

17 Sec 1, 5(a) and 10. (c) 19 December 1941:

18 At an Advanced Dressing Station at Wongneichong, 10
19 St. John's Ambulance bearers surrendered and although
20 they wore Red Cross brassards, they were killed by
21 the Japanese. (Ex. 1597 at p. 13170)

22 Sec 1 & 10. (d) 17 or 18 December 1941:

23 At Sai Wan A.A. gun position, 25 men of the 5th A.A.
24 Battery who had surrendered, were bayoneted to death
25 by the Japanese; one survived. (Ex. 1598 at p. 13172)

Sec 1 & 10. (e) 25 December 1941: 6

1 captured British officers were bayoneted to death by
2 the Japanese. (Ex. 1599 at p. 13173)

Sec 1 & 10. (f) 19 December 1941: At Mt.

3 Butler, 3 Canadian Grenadiers of a group which had
4 surrendered were taken out of the ranks and two
5 bayoneted and one shot. (Ex. 1600 at p. 13174)

Sec 1 & 10. (g) 29 December 1941: After

6 the surrender of Hong Kong, over 50 dead bodies were
7 found in the Wong Nei Chong area, many with their
8 hand and feet tied and all with bayonet and sword
9 wounds in their backs. (Ex. 1601 at p. 13175)

Sec 1 & 10. (h) Early 1941: A Canadian

10 soldier, riddled with machine gun bullets, the wounds
11 being infected with maggots, was brought into Bowen
12 Road Hospital. He was one of a number of Canadian
13 prisoners who had surrendered and who were tied up to-
14 gether and machine gunned. He was the only survivor.
15 (Ex. 1608 at pp. 13183-4)

(i) In Dec. 41 Japs shelled and/or bombed

16 4 Russian ships, sinking 2 and badly damaging one.
17 Some members of crews killed, beaten, starved and
18 robbed (Ex. 818 thru Ex. 821 at pp. 8041-8)

DEFENCE EVIDENCE - No cases of murder or

19 looting by 38 Division -re (i) above. Japanese did not

fire on ships in harbour (Ex. 27520-6)

(2) POW Camps and Civilian Internment Camps.

(a) Shanshuipo POW Camp

Sec 1, 2(a) (b) (c) 3, 5 (a). Conditions extremely bad; accommodation inadequate; no beds or bedding supplied prisoners slept on cement floor or on boards; the latter became infested with bedbugs and the prisoners received permission from the Japs to discard them. The camp had been stripped of windows and doors and the men had to use plaster boards, sacking and tin to prevent the cold coming in in winter and the rain in summer. Latrine facilities never adequate. From April 1942 prisoners were employed on repairing guns at Stanley. Medical facilities and food inadequate. The sick were forced to go out on working parties. In Autumn 1942 diphtheria and dysentery broke out, but the Japs refused medical attention - about 200 died. The Jap medical officer never visited the sick. At this time there were only 11 latrines and 4 showers available for 1700 men. (Ex. 1603, 1604 at pp. 13177-9; Ex. 1606, 1607 at pp. 13181-2)

(b) North Point POW Camp.

Sec 2(a), 3, 4(c) 5 (a) (d). Conditions filthy and appalling. Accommodation inadequate. The camp was built originally to accommodate 600 or 700

1 but between January and April 1942 it accommodated
2 approximately 2,200. City refuse had been dumped
3 at one end of the camp, which previously had been used
4 as horse lines by the Japanese cavalry. At the other
5 end of the camp were a number of dead Chinese bodies.
6 It was a perfect breeding place for disease and the
7 camp was infested with flies and bedbugs. Sleeping
8 accommodation was insufficient. About 150 men or more
9 were placed in each hut, originally built for 60 or
10 70 persons. Some had beds, some had not; some had one
11 blanket, others none at all. There was no water in
12 the camp, no cookhouses; latrine facilities were
13 damaged and unusable and the men had to use the sea
14 wall - a dangerous practice and one which helped
15 spread disease. At first the men had no eating utensils
16 at all and later only enough for 100 men was supplied.
17 For the first month the men ate army rations, after
18 which the Japanese took what was left and from then
19 on the prisoners' main diet was rice of a very inferior
20 quality. The prisoners were forced to sign a non-
21 escape document, and to work on a nearby aerodrome.

22
23 Once when it was thought a prisoner had
24 escaped, a muster parade of the whole camp, including
25 the sick and stretcher cases, was called by the Japs.
It lasted from 11 at night till 5 in the morning, and

1 though it rained practically the whole time, no one
2 was allowed to wear raincoats and those who had worn
3 them were forced by the Japs to take them off.

4 The commanding Officer of the Winnipeg Gren-
5 adiers died of malnutrition, malaria and dysentery -
6 there was an entire lack of drugs to treat him.

7 At first there was no hospital but later a
8 tent was allotted for that purpose; it was most inade-
9 quate. Later a little go-down or garage was allotted,
10 but it was badly lit and the cement floor was below
11 ground level and during the rainy season there was
12 always several inches of water covering the floor.
13 (Ex. 1604 at p. 13179 and Barnett pp. 13119-13130)

14 (c) Argyle St. POW Camp.

15 Sec 3 & 5 (a). The whole camp was in very
16 poor repair; no amenities, facilities, medical equip-
17 ment or attention. Food inadequate-nutritional value
18 nil. (Ex. 1606 at p. 13181)

19 (d) Bowen Road Hospital.

20 Sec 3 & 5 (a). Medicines provided were
21 grossly inadequate to cope with diseases caused by
22 malnutrition, and beri beri, pellagra, and failing
23 vision. Numerous requests for drugs and increased
24 food supply met with no response.
25

In January 1942 all personnel at the hospital

1 were forced to sign a statement to the effect that
2 they would not attempt to escape. (Ex. 1608 at pp.
3 13183-4)

4 11. Japan

5 12. Java

6 (1) Principal atrocities and incidents.

7 (a) March, 1942.

8 Sec 1 & 10. About 70 POW of the Postuma
9 detachment were tied together in groups and machine
10 gunned. After the machine gunning, the Japanese went
11 between the groups with their bayonets. This occurred
12 at Bandoeng. (Ex. 1704 at p. 13606)

13 Sec 1 & 10. (b) March 6, 1942.

14 About 80 POWs were machine gunned and
15 bayoneted by the Japanese at Lembang, West Java.
16 (Ex. 1705 at p. 13612)

17 (c) March, 1942.

18 Sec 1 & 10. Several POWs were murdered at
19 Kali Djati, West Java. (Ex. 1706 at p. 13620)

20 (d) 12 March 1942.

21 Sec 1, 10 & 12. Approximately 25 people,
22 including a nurse, chemist's assistant and his wife
23 and RAF and RAAF personnel were taken from the hos-
24 pital at Soebang by the Japanese. This number, plus
25

1 some women and children were killed by shooting or
2 bayonetting. (Ex. 1707 at p. 13621)

3 (e) 6 March, 1942.

4 Sec 1 & 10. Seven Naval POWs were killed by
5 bayonetting or beheading, in the vicinity of Kertsone.
6 (Ex. 1708 at p. 13621)

7 (f) 20 March, 1942.

8 Sec 1. Major-General Sitwell, G.O.C. British
9 Troops in Java, was kept in a cell for 14 days with
10 his hands handcuffed except when eating. He was beaten
11 and kicked and eventually knocked unconscious. (Ex.
12 1709 at p. 13622)

13 (g) April, 1942.

14 Sec 1, 4 (a). 3 IAF POW made an attempt
15 to escape from the Boie Glakok camp in Java. They
16 were caught by the Japanese and executed. The Japanese
17 stated that they had been shot for some serious offense,
18 but did not specify it. (Ex. 1711, at p. 13624)

19
20 Sec 1, 4 (c). (h) 22 April, 1942: At
21 Bandoeng, 3 Dutch POW were fastened to a barbed wire
22 fence, in front of a line up of Dutch Unit Commanders.
23 A Japanese Officer delivered a speech, which translated
24 amounted to the fact that the Dutch Officers were
25 being held responsible for the POWs attempt to escape.

1 The prisoners were then blindfolded and bayoneted
2 several times. One died quickly, but the other two
3 lived for some time. (Ex. 1713 at p. 13631)

4 Sec 1, 4 (a) (b) and 10. (i) 5th May, 1942:

5 Two Dutch POWs were executed at Tjimahi, West Java,
6 for leaving the camp during the nights. (Ex. 1714 at
7 p. 13634)

8 Sec 1, 4(a) and 10. (j) 5th May, 1942: 6

9 men, Menadonese and Ambonese, were executed at Tjimahi,
10 as a consequence of attempts to escape. (Ex. 1715 at
11 p. 13634)

12 Sec 1, 4 (a) and 10. (k) May, 1942: Two

13 Indonesian POWs were executed for attempting to escape.
14 One was beheaded and the other was bayoneted by 5
15 Japanese soldiers and finally had some salvos from
16 a Japanese firing squad. This incident took place at
17 the Agricultural School Camp, Soekaboemi, West Java.
18 (Ex. 1716 at p. 13635)

19 Sec 1, 4 (a) and 10. (l) 5 May 1942: At

20 Djati Nanggor 5 POWs, Javanese and Eurasians, were
21 executed for escaping from the camp. (Ex. 1717 at p.
22 13636)

23 Sec 1, 4 (a) and 10. (m) 26 May: Three

24 Dutch POWs were executed by bayonetting at HBS Camp,
25 Djoejoekarta, Central Java, for going out-of the camp

at night. (Ex. 1718 at p. 13637)

1 Sec 1 & 12. (n) 5 March. About an hour
2 after the arrival of the Japanese at Blora the evacuees
3 were questioned by the Japanese as to their names
4 and where they were born. One man was born in Holland
5 and for this reason he was executed. Four other
6 evacuees were killed by the Japanese and the women
7 were raped. (Ex. 1719 at p. 13638)

8 (c) June: POW at Cycle Camp compelled by
9 beatings and threats of mass punishments to sign non-
10 escape agreement. (Blackburn 11533)

11 (2) POW and Internment Camps.

12 Sec 1, 2(a) (b) (d) and (e) 3, 5 (a).

13 (a) Jaar Markt Camp, Sourabaya.

14 POWs were accommodated in grass huts with
15 mud floors. Rain came through the roof at all times.
16 Sanitary conditions were very bad. Food was inadequate
17 and the health of prisoners deteriorated. No medical
18 supplies whatever were supplied by the Japanese. Work
19 consisted of building anti-aircraft gun posts, filling
20 in air raid trenches, preparing aerodromes, making
21 petrol dumps and store dumps etc. Men were beaten
22 when they could not lift weights and sick men were
23 forced to work. (Ex. 1710 at p. 13624)

24 (b) Boie Glodok Camp.

1 Sec 3 & 5(a) Very overcrowded, sanitary
2 arrangements quite inadequate and food bad and insuf-
3 ficient. Although there were plenty of medicines
4 available in the camp, the Japanese refused to allow
5 the Doctors to make use of them. As a result of the
6 lack of medical supplies, the prisoners suffered
7 considerably and were reduced to a weakened condition.
8 A Royal Airforce POW had an acute intestinal obstruc-
9 tion, which required an immediate operation. The
10 Japanese refused any facilities for him to be moved
11 to a hospital or for instruments to be provided for
12 an operation in the camp. As a result, the prisoner
13 died. (Ex. 1711, at pp. 13624-9)

14 Sec 1, 3, 4 (a) 5 (a). (c) Cycle Camp,
15 Batavia. The camp was grossly overcrowded. Food at
16 all times was completely inadequate and scarcely any
17 medicines were issued by the Japanese. Frequent
18 protests over the shortage of food and drugs were
19 ignored. Sickness was very frequent and there were
20 at least two severe epidemics of dysentery. Discip-
21 line was very harsh - physical beatings-up and
22 brutalities were a very frequent occurrence. Constant
23 protests were made to the camp commandant and to staff
24 officers from Japanese Headquarters, but never at any
25 time was any satisfaction received or any lessening

of the physical brutalities. (Blackburn 11530)

13. New Britain.

(1) Principal Atrocities and Incidents.

Sec 1, 5 (a) and 10. (a) February: At Tol, 24 Australian POW were massacred by the Japanese. Their red cross armbands were ripped off them. (Ex. 1852 at p. 14105)

Sec 1 & 10. (b) 123 Australians were captured at Tol. They were broken into parties of 10 or 12 and marched into the bush where they were bayoneted or shot. (Ex. 1853 at p. 14109)

Sec 1 and 10. (c) February 4: 12 Australians were captured at Waitavallo. 10 were killed and two wounded. (Ex. 1854 at p. 14110)

14. New Guinea.

(1) Principal Atrocities and Incidents.

Sec 12. (a) April 28th: In the Lae Area, one native was handed over to the Chief Medical Officer for medical experiments and five persons were stabbed to death. (Ex. 1850 at p. 14101)

(2) POW and Internment Camps.

Nil.

15. Singapore and Malaya.

(1) Principal Atrocities and Incidents.

Sec 1 & 10. (a) 27 Dec 1941: Near Ipoh,

1 Malaya, 75 captured Indian troops were tied up and
2 bayoneted to death without charge, trial or other
3 cause. (Ex. 1522 at p. 12946)

4 Sec 1 & 10. (b) 22 Jan. 1942. At Parit
5 Sulong, Malaya over 150 Australian and Indian troops
6 were captured. Some of the wounded were bayoneted
7 to death almost immediately. The remainder, many of
8 whom were wounded were inspected by a high ranking Jap.
9 Officer, and then tied up and shot. Petrol was poured
10 on the bodies of the dead and wounded and they were
11 set alight. Only two survived. There was no cause of
12 any kind for this atrocity. (Ex. 1525 at p. 12949)

13 Sec 1. (c) 25 Jan. 1942: In Johore,
14 Malaya, a properly and clearly marked ambulance
15 convoy was deliberately bombed, three of the vehicles
16 being set on fire. (Ex. 1505 at p. 12902)

17 Sec 1 & 10. (d) 2 Feb 1942: At Muar
18 River, Malaya, 6 Australian troops who had been cap-
19 tured two days before were tied up and machine gunned.
20 One survived. (Ex. 1524 at p. 12948)

21 Sec 1 & 10. (e) Early Feb 1942: 10 or
22 12 Australian prisoners captured after Muar River
23 fighting were roped together and marched for several
24 days. One became ill and couldn't walk. The Japs took
25 him off the rope and executed him. (Ex. 1505 at p.

12902)

Sec 1, 5 (a) & 10. (f) About 14 Feb. 1942:

Near Katong Hospital, Singapore, a Red Cross truck was machine-gunned and the occupants, 9 Australian personnel, were captured. All were tied up and shot. One survived. (Ex. 1503 at p. 12899)

Sec 1, 5(a) and 10. (g) 14 and 15 Feb. 1942:

323 of patients and staff of Alexandria Hospital, Singapore, massacred by Japanese. (Ex. 1506 and 1507 at pp. 12904-7)

Sec 1 & 10. (h) 18 Feb 1942: 15 Austral-

ian troops who had been captured unarmed were kept prisoner at Japanese HQ at Pasir Panjang, Singapore, for two days and then tied up and shot. One survivor. (Ex. 1501 at p. 12896)

Sec 1, 10 & 12. (i) 20 Feb. 1942: At

Changi Beach 70 ex-members of S.S.V.F. (Chinese) were tied up and machine gunned. (Ex. 1498 at p. 12894)

Sec 1, 10 & 12. (j) 22 Feb. 1942: At

Changi Beach, Australian prisoners were required to bury 140 dead Chinese. Presumably included 70 mentioned in (i). (Ex. 1499 at p. 12895)

Sec 1, 10 & 12. (k) Between 15 Feb. 1942

and 3 Mar. 1942: About 500 Chinese were executed in Singapore without trial. (Ex. 476 diary of Maj-Gen

1 Kawamura p. 5 and Operation Diary of Imperial H.Q.
2 p. 9. Record pp. 5365-71, 5627-81, 5717-9. Evidence
3 of Lt.-Col. Wilde, Ex. 476 Japanese apologia at p.
4 5624)

5 Sec 1. (1) 1 March 1942 in Singapore
6 Japanese without justification of any kind unsuccessful-
7 fully endeavored to execute Pte. Brien. He had been
8 captured on 26 Feb. 1942 and was not accused of any
9 offence. (BRIEN 12883)

10 Sec 1, 10 & 12. (m) 1 March 1942 over 56
11 Chinese and 60 civilians were arrested, beaten and
12 bayoneted or shot at Batu Bahat without any trial.
13 (Ex. 1530 at p. 12957)

14 Sec 1, 10 & 12. (n) Early March 1942 to
15 beginning of April 1942, massacres took place at
16 various places in Malaya. Japanese say they "caught
17 wicked Chinese....about 1000 in Johore Province, about
18 1500 in Seremban, Malacca, about 300 in Selangor,
19 about 100 in Perak, about 50 in Pahang and about 200
20 in Kedah and Penang and confiscated many weapons, but
21 after investigation released most of them the same way
22 everywhere". (Ex. 476 at p. 5624) Lt.-Col. Wilde's
23 comment: "It can safely be stated that many thousands
24 of Asiatic citizens of Malaya were killed by the
25 Japanese shortly after the occupation. I should say

1 that these figures are not unreasonable for the first
2 round up. As regards Johore they include, no doubt
3 the whole of a peaceful settlement near Johore Bahm
4 City. All the Eurasians - men, women and children -
5 were murdered. On the evidence of witnesses we exhumed
6 bodies shortly before I came up to Tokio. (WILDE, p.
7 5644)

8 Sec 1, 10. (o) 12 March 1942 four Austral-
9 ian soldiers captured near Kulai. Two were executed
10 because they had sores on their legs. (Ex. 1529 at
11 p. 12956)

12 Sec 1, 4 (a) and 10. (p) 19 March 1942 three
13 British gunners executed after being apprehended out-
14 side camp. (Ex. 1504 at p. 12901)

15 Sec 1 & 12. (q) March 1942 Japanese
16 murdered Chinese Child by throwing him under a moving
17 vehicle because he had offered bread to prisoners.
18 (Ex. 1509 at p. 12909)

19 Sec 1. (r) Between 6 and 24 April 1942
20 Lt. Dean who had been recaptured after escaping was
21 beaten and tortured by Kempei Tai in order to compel
22 him to confess that he was a spy. (Ex. 1513 at p.
23 12914)

24 DEFENSE EVIDENCE - Re para. (k) above. Sugita
25 admits massacre of Chinese without trial. Says it

1 was done to punish Chinese who had resisted Japanese
2 and that Southern Army HQ disapproved of it. (Witness
3 SUGITA p. 27397-27411)

4 2. POW and Internment Camps.

5 (a) Changi Civilian Internment Camp.

6 Sec 3. From 15 Feb. 1942 until April 1944,
7 3500 civilians including men, women and children
8 confined in Changi prison which had been built to house
9 700 prisoners. (Wilde 5359, 5695: Ex. 1521 at p.
10 12944)

11 (b) Changi POW Camp.

12 Nothing serious in this period.

13 (c) River Valley Camp.

14 Sec 3, 5 (a). Grossly overcrowded - no
15 sanitation - ground waterlogged - 4500 men confined
16 in space of 130 by 180 yards by April 1942 - outbreak
17 of dysentery and a number of deficiency diseases became
18 prevalent. (Wilde 5374-6)

19 (d) Havelock Road Camp.

20 Sec 3, 5(a). Conditions similar to those
21 at River Valley Camp. (Wilde, 5377)

22 (e) Great World Camp.

23 Sec 2 (a), 4 (a). Working parties sent to
24 docks and engaged in unloading ammunition and general
25 ordnance stores - prisoners severely beaten for alleged

offences. (Ex. 1509 at p. 12909)

(f) Selerang Barracks.

Sec 3, 5 (a) & (f). 1800 hospital patients compelled on 20 Feb 1942 to move from hospital to Selerang Barracks thus seriously militating against their chances of recovery. This barracks had been badly damaged by bombs, beds had to be jammed together on account of lack of space. Water ration consisted of one quart of infected water per man per day for all purposes. After two weeks patients were again compelled to move, this time to Roberts Barracks. (Ex. 1516 at p. 12929)

Sec 3 & 5 (a). (g) Roberts Barracks

These barracks were also badly damaged by bombs and shellfire. Food was most inadequate. In April 1942 beri beri and other deficiency diseases broke out. Medical supplies and dressings were withheld. (Ex. 1516 at p. 12929)

(h) Kuala Lumpur Camp.

Sec 3 & 5 (a). By April 1942, 700 British prisoners of war accommodated there in an area 40 yards square. Food was inadequate in quantity and consisted only of rice. Between Feb. 1942 and May 1942, 166 men died. Japanese did not provide medical supplies or dressings. (Ex. 1526 at p. 12952)

1 DEFENCE EVIDENCE - In March 42 German Mil-
2 itary Attache saw Australian POW in Singapore driving
3 past in trucks in Singapore. They made a healthy
4 impression, more happy then depressed and seemed
5 scarcely guarded. (Ex. 3071 at p. 27435)

6 16. Solomon Islands, Gilbert and Ellice
7 Islands Narn and Ocean Island.

8 (1) Principal Atrocities and Incidents.

9 Sec 1 & 10. (a) At Khandok an unwounded
10 African POW was tied to a tree. The Japanese Doctor
11 and 4 medical students removed the fingernails and
12 then the heart. (Ex. 1850 at p. 14101)

13 Sec 1, 4 (a) 4 (d). (b) September.

14 In the Kolambona Area of Guedacanal two
15 prisoners escaped. Pistols were fired at their feet.
16 The two prisoners were dissected while still alive
17 and their livers taken out. (Ex. 1850 at p. 14101)

18 (c) October.

19 22 Prisoners were killed by the Japanese
20 at Belio, Tarawa, after the Japanese had bombed Japan-
21 ese shipping on the island. The bodies were burned in
22 a pit. (Ex. 1880 at p. 14141)

23 (2) POW and Internment Camps.

24 Nil.

25 17 Sumatra.

(1) Principal Atrocities and Incidents.

1 Sec 1, 5(a) and 10. (a) On Banka Island

2 50 men and 22 Army Sisters and 10 patients on stretchers
3 were shot or bayoneted after giving themselves up to
4 the Japanese. Only three survivors. (BULLWINKEL, p.
5 13454; RINGER, p. 13598; and Ex. 1767 at p. 13781)

6 (b) 13 March.

7 Sec 1 & 12. Five Chinese were murdered in
8 Medan. They were beheaded by members of the Kempoi Tai,
9 their heads placed on sticks and shown to the public.
10 (Loenheer, p. 13756).

11 Sec 1 & 12. (c) 15 March. At Sinbolon

12 Estate near Seentar, three British civilians were
13 murdered by the Japanese. (Loenheer 13756)

14 Sec 1 & 10. (d) 15 March.

15 22 Dutch troops were taken prisoner on the
16 14th March at Tige Bunu. After being captured, they
17 were kept over during the night and killed the next
18 morning. (Loenheer 13757).

19 (c) March

20 Sec 1, 4 (a) (f) (d). Three Australian POW

21 tried to escape and were caught at Palembang. They
22 were brought back to camp and beheaded. There was no
23 investigation or Court martial. (Ringer 13562)
24
25

(f) February 1942.

1 Sec 1. Mr. Bowden, Australian Trade Com-
2 missioner from Singapore, claimed diplomatic privileges.
3 He was beaten and kicked by a Japanese Corporal and
4 then shot. (Ringer 13597)

5 Sec 1. (g) 3 members of RAF surrendered
6 to a Japanese patrol. They had their hands up but
7 were promptly bayoneted and were kicked into the
8 ditch by the side of the road and again bayoneted.
9 Corporal McGahan had three bayonet wounds through his
10 body. (Ringer 13597)

11 Sec 1, 4(a) 4(d). (h) A party of POW were
12 caught escaping from Padang - 6 British and two Dutch.
13 They were taken to the island of Siboraft and ex-
14 ecuted. (Ringer 13633)

15 Sec 1 & 12. (i) On the Island of Sabang,
16 22 Dutch, the Governor of the Island and his staff were
17 all murdered. (Ringer 13603)

18 Sec 1 & 12. (j) 18 March, 1942.

19 At Kotaradja, North Sumatra, approximately
20 50 Dutch and Ambonese POW were literally kicked into
21 three boats, taken to the open sea and shot. (Ex.
22 1768 at 13783)

23 (2) POW and Internment Camps.
24
25

Sec. 3 & 5 (a). (a) Irene Lines Camp -Palembang.

Living conditions were very overcrowded - the camp contained about 500 women and children. There were fourteen houses and each house contained an average of 40 people in the space of a 4-room bungalow. Sanitation was appalling. No medical supplies were issued, in spite of repeated requests to the Japanese. The main illness was dysentery. (Bullwinkel 13465)

(b) Padang Jail.

Sec 3. 2,200 women and children were cramped into this jail which was originally built for 600 criminals. Many had to sleep in the open in the rain and exposed to the mosquitoes for two or three nights. (Leenheer 13756)

18. Timor and Lesser Sunda Islands.(1) Principal Atrocities and Incidents.(a) February.

Sec 1 & 10. At Oesapa Besar, 8 Australian POWs were shot. They had been captured about 30 hours. (Ex. 1780, 1781 at pp. 13821-2)

(b) February.

Sec 1, 5 (a) & 10. At Babaoe, Dutch Timor, an Australian Corporal, Guthrie, in charge of the hospital was hung from a tree and had his throat cut.

1 He was unarmed and was wearing a red cross upon his arm.
2 (Ex. 1781 at p. 13822)

3 (c) June

4 Sec 1, 4(a) (b) and 10. An Australian
5 private, Terry, was taken from the Oesapa Besar Prison
6 Camp to drive a truck for the Japanese. During one
7 of his trips he suffered a breakdown to his truck.
8 He was charged by his Guard with sabotage, became angry
9 and struck him. For this offence he was shot without
10 trial. (Ex. 1781 at p. 13822)

11 Sec 1 & 12. (d) A native spoke to an
12 Australian after the capitulation. For this offence
13 he was taken into a building by the Japanese and shot.
14 (Ex. 1781 at p. 13822)

15 Sec 1 & 10. (e) February: At Babaoe, three
16 Australian POW were killed by being tied together and
17 their throats cut. (Ex. 1782 at p. 13823)

18 Sec 1 & 10. (f) 23 February: 7 Australian
19 soldiers, who had been captured by the Japanese, were
20 bound with their hands behind their backs by tele-
21 phone wire, which had been pierced through their wrists.
22 They were bayoneted slowly at first a number of times
23 and after twenty minutes of bayonetting, the Australians
24 were killed. (Ex. 1783 at p. 13824)
25

Sec 1 & 10. (g) March: At Dilli,

1 Portuguese Timor, a Dutch Officer was bound to a tree,
2 bayoneted for about twenty minutes and then stabbed
3 to death. (Ex. 1783 at p. 13824).

4 (2) POW and Internment Camps.

5 Sec 3 & 5 (a) (a) Oesapa Besar.

6 At first no covering at all was provided,
7 except a few native huts for the sick in a separate
8 area. POW built their own camp, in the manner of
9 native huts. The only food at first was rice. No
10 cooking utensils were provided. The only water avail-
11 able for any purpose at all, was from a swamp in the
12 area. There were no drugs supplied at all at first,
13 but POW were using their own drugs, which enabled them
14 to carry on. Sanitary arrangements were most inade-
15 quate. Work consisted of unloading ships, mostly food.
16 (Ex. 1782 at p. 13823)

17 (b) Koopang Airfield.

18 Sec 3, 5 (a) & (d). There were more than
19 1,000 Australians in this camp. The men lived in a
20 barbed wire and bamboo enclosure in the open air. The
21 medical officer asked for medical treatment and med-
22 icine for the sick - this was bluntly refused. After
23 a fortnight about 50 Australians died and were buried
24 within the enclosure. The area was about two acres.
25

Food was very poor with only dry rice supplied. Requests for improved conditions were made but these requests were bluntly refused. The Japanese demanded a 500 man working party to repair roads, cut trees and dig. The wounded personnel had to be operated on, in some cases, without anaesthetic and admission to the hospital at Koepang was refused. (Ex. 1787 at p. 13828)

19. Wake Island, Kwajalein and Chichi

Jima:

(1) Principal Atrocities and Incidents.

Sec 1 & 10. (a) Wake Island - May 42.

American civilian badly beaten and then beheaded in presence of Admiral SAKIBARA for an attempt at warehouse breaking. (Ex. 2035 at p. 14968, Steward, 14927)

(2) POW and Internment Camps.

Sec 1, 2 (a) (b) 4(a), 5 (a) (d). (a)

Wake Island. - Japs refused to supply readily available instruments or anaesthetics for operating on 40 wounded American POW. Scissors had to be used for operations; no anaesthetics - POWs and civilians beaten daily, one being permanently crippled - they were also compelled to work on military projects - on 24 Feb 42 POW had to repair airfield whilst it was being shelled by American

cruisers. (Ex. 2035 at p. 14968, Steward 14911 -
14937)

DIVISION 2. 1 JULY 1942 TO 31 DECEMBER 1942.

Indictment Ref.
to Appendix "D"

Subject

1. Ambon Island Group.

(1) Principal Atrocities and Incidents.

Sec 1 & 4(a). (a) 12 July 42. 34 Dutch
officers and other ranks having been discovered send-
ing letters to their wives who were interned in another
camp were beaten with pick handles, iron star-pickets,
chains, pieces of wire and sticks for from 2 to 3 hours
in front of Japanese HQ. Three died of injuries,
whilst 13 suffered single or double fractures and two
sustained fractured skulls. (Van Nooten, p. 13972,
Ex. 1821, 1822, 1823 at pp. 14052-4)

Sec 1 & 4(a). (b) 19 Nov. 42. 25 Australian
POW at Tan Toey Camp were beaten with pick handles and
bowser pipes and tortured for periods of 2 to 11 days on
instructions of Japanese Island Commander, Capt. ANDO,
on account of going out of the camp confines at night.
Eleven were taken away and executed. (Van Nooten p.
13976, Ex. 1822, 1823 at pp. 14053--4)

Sec 12. (c) A pregnant native woman was
punched, knocked to the ground and kicked in the stomach

by a Japanese guard in the presence of other guards.

(Van Nooten p. 13938)

(2) POW and Internment Camps.

Sec 2 (a) (e), 3 & 5 (a). (a) Tan Toey

Barracks.

Food sufficient to keep men fit, but not to enable him to work hard. Accommodation depleted by 6 to 3 huts being taken over in July for storage of ammunition etc. and further depleted by storage of bombs in camp in November. POW employed on road work, tunnelling, stevedoring and delousing bombs, all work connected with a military objective. Medical supplies inadequate.

(Van Nooten pp. 13945-62)

2. Andaman and Nicobar Islands. Nil.

3. Borneo.

(1) Principal Atrocities and Incidents.

Sec 1 & 4 (a). (a) August 42. At

Bandjermasin, 3 Dutch POW escapees were recaptured and executed without trial. (Ex. 1692 at p. 13508)

Sec 1, 10 & 12. (b) 26 Aug. 42. At Longnawan,

the Japanese, on orders from higher command at Tarakan, murdered 35 Dutch troops who had surrendered. About the same time 25 British and American civilians, including 4 women and 4 babies, were massacred. (Ex. 1688, 1689 at pp. 13498-9)

1 (c) 12 Sept. 42. At Sandakan Camp, Col.
 2 Walsh was threatened by a firing party unless all POW
 3 signed a statement to the effect that they would not
 4 attempt to escape. It was signed under duress. (Ex.
 5 1667, 1668, at pp. 13410-25, Ex. 1674 at pp. 13447-8)

6 Sec. 1. (d) About Dec. 42. At Kuching,
 7 an English Officer was beaten with a hoe handle and
 8 knocked down a number of times, kicked in the stomach,
 9 then put in the cell for 5 days. This was punishment
 10 for greeting an Indian prisoner. (Ex. 1673 at p. 13446)

11 (2) POW and Internment Camps.

12 Sec. 1,2(a) (d) & (e), 3, 5,(a). (a)

13 Tarakan Camp.

14 Same conditions as previously described, but
 15 the work became heavier from September 1942 and POW
 16 received even rougher and more bestial treatment. The
 17 majority had no shoes and the sick were forced to
 18 make up work party numbers. Actually from 50% to 75%
 19 of the men were unfit for work. (Ex. 1686 at p. 13495)

20 Sec. 3 & 5(a). (b) Balikpapan Camp.

21 Same conditions as previously described.
 22 (Ex. 1691 at p. 13504).

23 Sec. 1,2(a) (b) (d) & (e), 3, 4 (a) (d),
 24 5(a). (c) Kuching Camp.
 25

1 The food position was very bad, and medical
2 supplies practically non-existent. There was no doc-
3 tor in the British officers' camp until a month before
4 the Japanese surrender. Red Cross supplies were
5 traded to POW for watches, etc. by the Japanese. Col.
6 SUGA visited the camp regularly until last 18 months,
7 but he never visited the hospital. There was no proper
8 **issue of clothing or footwear** and many worked barefoot.
9 Prisoners compelled to work on military projects, and
10 numerous prisoners, including the sick, were beaten,
11 knocked down and jumped on. Collective punishment
12 consisted of standing for 2 or 3 hours in the sun with
13 their hands above their heads - anyone who moved was
14 beaten. Tropical ulcers were prevalent. (Ex. 1673,
15 1674 at pp. 13446-8)

16 Sec. 1, 2(a) (b) (d) & (e), 3, 5(a). (d)

17 Sandakan Camp.

18 Accommodation quite inadequate; sanitation
19 shocking - frequent requests for improvement refused.
20 The water supply was infected and most unsatisfactory -
21 the same water supply originally used for 250-300
22 natives had to be used for 1500 men. The food ration
23 was inadequate consisting of 11 Oz. rice and spoonful
24 of vegetables, and the sick received only half the
25 normal ration. There was only one small cookhouse for

1500 men. Prisoners were forced to work on military projects; after Nov. 1942, 25%-30% had to work barefoot, others in clogs made by themselves. Prisoners on working parties were beaten into unconsciousness to compel them to speed up work. Mass punishments consisted of a decrease in the food ration. There were practically no medical or surgical supplies except for a small quantity of quinine. The sick were made to work. No footwear or clothing was issued. Hospital accommodation crowded. Deaths due to dysentery, malaria and malnutrition increased as time went on. (Ex. 1666, 1667, 1668 at pp. 13404-13425, Ex. 1674 at p. 13448 and STICPEWICH at pp. 13345-13355)

(e) Lutong Camp.

Sec 1, 3, 4 (a) (b) & 5 (a). Food was insufficient; no clothing was issued, and prisoners were beaten regularly because they had taken part in war against Japanese. A number of Indians died from disease; 41 were taken away by the Japanese and never seen again. (Ex. 1657 at p. 13314)

4. Burma and Siam.

(1) Principal Atrocities and Incidents.

Sec 12. (a) July 42. Victoria Point Camp - in order to compel an ex-Burmese policeman to give in-

formation about the British, he was shut up in a cage
 1 for 14 days, then beaten, tortured and burnt and fin-
 2 ally executed. (Ex. 1535 at p. 12963)

3 Sec 12. (b) July-Nov. 42. Prome Court -
 4 5 Chinese executed by Kempei Tai without trial as a
 5 result of orders from HQ. (Ex. 1556 at p. 12992)

6 Sec 4 (a) & (b). (c) Sept. 42. Tavoy -
 7 3 Australians were beaten and tortured by Kempei Tai
 8 because they were suspected of stealing from Japanese
 9 stores. (Ex. 1582 at p. 13100)

10 (d) 5 Oct. 42. Thambuyzat - Maj. Green con-
 11 fined in small wooden cell until he signed non-escape
 12 agreement. (Ex. 1530 at p. 13098)

13 Sec. 1 & 4(a). (c) 13 Dec. 42. Thambuyzat
 14 - 3 Dutch officers who had been recaptured after escap-
 15 ing from Wegalie Camp were executed. (Ex. 1560 at
 16 13050)

17 Sec. 1 & 4(a). (f) 14 Dec. 42. Thambuyzat -
 18 Pto. Whitfield who had been recaptured after escaping
 19 from KANDAW CAMP was executed without trial. (Ex.
 20 1560 at p. 13050 at Ex. 1580 at p. 13098)

21 Sec. 1 & 4(a). (g) 27 Dec. 42. Thambuyzat -
 22 A Dutch Sergt. and 2 privates who had escaped from
 23 Wegalie Camp were executed. Thambuyzal Camp was com-
 24 manded by Lt. Col. NAGATOMO now dead. (Ex. 1560 at p.
 25

13050)

1 (2) POW and Internment Camps.

2 Sec. 3, 5 (a) (d). (a) Merrui Camp.

3 Previously described conditions continued.

4 (Coates p. 11403-10, 11438, and Lloyd p. 13016-7)

5 Sec. 2(a) (c) & (d). (b) Tavoy Camp.

6 Aug. 42. - Dec. 42. - POW were engaged on
7 enlarging a military aerodrome worked 6 days a week and
8 10 hours a day in the rain. POW were often beaten to
9 compel them to work harder.
10

11 Sec. 4 (c). As a result of certain thefts
12 which were alleged to have occurred some hundreds of
13 POW were compelled to stand in the sun for hours (Lloyd
14 p. 13018-9 and Ex. 1582 at p. 13100)

15 Sec. 3, 5(a). (c) 40 Kilo Camp.

16 Oct. 42 - camp previously occupied by
17 Burmese - camp in bad condition - insufficient food
18 and water - out of 675 personnel, 130 men in hospital
19 and 90-100 had bad diarrhoea - 2 men died from dysentery.
20 Jap. L/Cpl. in charge of camp. No medical supplies.
21 Beri beri and pellagra began to show up. (Ex. 1561
22 at p. 13054)

23 5. The Celebes and surrounding Islands.

24 (1) Principal Atrocities and Incidents.

25

1 Sec 1 & 12. (a) 3 July 42. At Teling
 2 Internment Camp, Manado, two Dutch civilians were ex-
 3 ecuted. On the same date 4 other Europeans were also
 4 executed. (Ex. 1810 at p. 13920)

5 Sec. 1, 4(a) & (d). (b) 14 Sept. 42. At
 6 Macassar POW Camp, 3 POW who attempted to escape and
 7 were recaptured, were beheaded, and another three were
 8 beheaded about the same time after severe ill-treatment
 9 which lasted about a week. (Ex. 1805 at p. 13867)

10 Sec. 1 & 4(a). (c) 28 Oct. 42. At Macassar,
 11 a POW who was accused of "aggressiveness" while on a
 12 working party, was given 37 strokes and, on his return
 13 to camp another 50 strokes. During the second beating
 14 other POW had to hold him upright as he was unable to
 15 stand after the first beating. He spent a considerable
 16 time in hospital before he was able to walk again. (Ex.
 17 1805 at p. 13867)

18 (2) POW and Internment Camps.

19 Sec. 1, 2(a) (b) (c) (d) (e), 3, 4(a) (c),
 20 5(a) (d), 8(e). (a) Macassar POW Camp.

21 Same conditions as previously described. (Ex.
 22 1804, 1805 at pp 13866-7)

23 Sec. 1, 3, 4(a) (b), 5 (a). (b) Teling
 24 Internment Camp. Manado.

25 Same conditions as previously described.

(Ex. 1810 at p. 13920)

6. China other than Hong Kong.

(1) Principal Atrocities and Incidents.

Nil.

(2) POW and Internment Camps.

(a) Bridge House, Shanghai.

Sec. 3, 4(a) (f). Conditions continued as previously described. Washing facilities wholly inadequate and unhygienic. All the prisoners were filthy and covered with lice, open sores and wounds, the latter being the result of third degree methods and long incarcerations. (Ex. 1893-4 at pp 14165-8)

(b) Woosung Prison Camp, Shanghai.

Sec. 2(a), 3, 4(c), 5(a), 8(d). Conditions as previously described continued. In about Sept. 1942, 100 American POW suffered mass punishment for the escape of 4 Marines. They were confined in a room in crowded conditions for from 6 to 20 days without heat or bed clothing at a time when the temperature was very low, and without adequate rations. (Ex. 1897 at p. 14172, Ex. 1911 at p. 14191, Ex. 1914 at p. 14194)

(c) Mukden Prison Camp.

Sec. 2(a), 3, 5(a). Prisoners not provided with proper medical care, clothing, food or quarters. Food was available but not issued to prisoners, and

1 what was issued was sometimes so contaminated that
 2 prisoners could not eat it. All requests for more food,
 3 fuel and medical supplies refused. Over 200 POW died
 4 as a result of lack of food, medical care and fuel.
 5 Prisoners employed on war work. Camp was situated
 6 about 600 yards from ammunition factory and both cam-
 7 ouflaged in the same way. No POW markings on camp.
 8 (Ex. 1905, 1906 at pp 14187-8, Ex. 1912, 1913 at pp
 9 14192-3)

10 (d) Haiphong Road Camp.

11 Sec. 3, 4(a). Between 300 and 400 civilians
 12 were interned here in November 1942 without cooking
 13 arrangements, rations or toilet facilities. Food in-
 14 sufficient, heating during winter months insufficient.
 15 Beatings frequent. (Ex. 1888 at p. 14158, Ex. 1893
 16 at p. 14165)

17 7. Formosa.

18 (1) Principal Atrocities and Incidents.

19 Nil.

20 (2) POW and Internment Camps.

21 (a) Karenko POW Camp.

22 Sec. 1, 2(b) (d) & (e), 3, 5(a) & (d). Star-
 23 vation rations, general conditions extremely bad. Dis-
 24 graceful treatment meted out to senior Allied Officers,
 25 and prisoners were repeatedly beaten, and forced to do

1 heavy manual labour. From September onwards general
2 orgies of brutal mass beatings took place from time
3 to time, and no prisoner was safe. The accommodation
4 was bad. By October 1942 owing to continuous starva-
5 tion, hunger oedema was prevalent. No hospital accom-
6 modation was provided - one room was allotted for med-
7 ical inspection purposes and hospital ward purposes. No
8 equipment was provided and no beds - patients brought
9 their own prison bedding. Drugs and medicines supplied
10 by the Japs were practically negligible, and those used
11 were mainly smuggled in. In November 1942 Major-Gen-
12 eral Beekworth died, after attempts to get advice and
13 assistance of the Jap doctor and to get supplies of
14 anti-diphtheria serum failed. (Ex. 1629 at p. 13203)

15 (b) Kinkasoki POW Camp.

16 Sec. 1,2(a)(b) (d) & (e), 3,5(a). At least
17 10 men died as a result of hardships experienced be-
18 tween the ship and the camp. Each POW was left with
19 a shirt or a pair of pants and given clogs in place of
20 boots or shoes. The food was insufficient, consisting
21 of about 400 grammes of rice and a little vegetable
22 per day. The Japanese medical staff consisted of one
23 Sergeant and two privates. The POW doctor and his
24 assistants were severely beaten every morning by the
25 Jap sergeant. Those who reported at sick parades were

1 nearly always knocked down. Many of the sick were
2 forced to work and almost every day a few patients in
3 the hospital were beaten up; many of them died within
4 a few hours of the beatings. The sick received half
5 rations and some were ordered none at all. In December
6 the men commenced work on the copper mines. At first
7 equipment for working in the mines was good but after
8 about a month many worked bareheaded, barefooted or
9 with rags tied round their feet, and working conditions
10 became atrocious. In some places there was an incess-
11 ant flow of hot acid water from the roof, and in other
12 places the heat was so terrific that the men became
13 unconscious after a few minutes' work. The whole mine
14 was a death-trap, unshored and dangerous, and there
15 were many accidents. All articles of First Aid were
16 confiscated by the Japs and requests for first aid
17 articles in the mine were refused until Feb. 1944.
18 Medicines and drugs were at all times in short supply.

19 (Ex. 1630, 1631 at pp 13210-25)
20

21 8. French Indo China.

22 Nil.

23 9. Hainan Island.

24 (1) Principal Atrocities and Incidents.

25 Nil.

(2) POW and Internment Camps.

(a) POW Camp.

1 Sec. 1, 2(a) (b) (c) & (e), 3, 4(a), 5(a) &
 2

3 (d). Coolie huts vermin infested and filthy for ac-
 4 commodation of 263 POW - no sanitation - no separate
 5 provision for sick - food 480 grams of rice daily and
 6 some rotten meat or fish - POW engaged from 9 a.m. to
 7 8 p.m. on military projects - POW suffering from beri
 8 beri, dysentery, malaria and Malnutrition - even sick
 9 were compelled to work - men were flogged and kicked at
 10 work, some of them sustaining fractured limbs as a
 11 result. (Ex. 1624, 1625 at p. 13201-3)

(b) Coolie Camp.

12 Sec. 1 & 12. Consisted of 100 barracks filled
 13 with Hong Kong and Canton coolies who worked at iron
 14 mine and at the port of HAISHO - they looked starved
 15 and emaciated and were dying at the rate of 10-12 a day.
 16 Coolies were taken to POW Camp by the Japanese to be
 17 flogged or given the water torture for breaches of
 18 discipline. (Ex. 1625 at p. 13203)
 19
 20

10. Hong Kong.(1) Principal Atrocities and Incidents.

21 Sec. 1, 4(a) (b) & (d). (a) July or August
 22

23 42. 4 Canadians who escaped from North Point Camp
 24 were recaptured and later stabbed with swords and bay-
 25 onets and then shot. (Ex. 1602 at p. 13176, Ex. 1604

at p. 13178 and Barnett pp. 13129-31)

1 Sec. 1, 4(a). (b) July 1942. At Shamsuipo
2 Camp when an escape tunnel was discovered by the
3 Japanese, 8 British OR's were arrested, 4 of whom were
4 never seen again, and it was later ascertained from
5 a Japanese list that they had been shot (Ex. 1603 at p.
6 13177)
7

8 (2) POW and Internment Camps.

9 Sec. 1,2(a) (b) (c), 3, 5(a) & (d). (a)
10 Shamsuipo POW Camp. Same conditions as previously
11 described. No dishes or utensils of any kind were
12 provided, nor could they be purchased until about Dec-
13 ember 42 when the officers received their first pay.
14 No stoves for cooking were supplied by the Japs.
15 Working parties were employed on enlarging the aerodrome.
16 When an officer protested about the prisoners working
17 on military projects he was severely beaten. There were
18 hardly any fit men in the camp and on many occasions
19 a number of sick men were carried out to the job on
20 stretchers, in order to meet the exact number demanded
21 by the Japanese, although it was impossible for them
22 to work. In October 1942 a diphtheria epidemic broke
23 out and lasted till February 1943. Three or four men
24 died each day. In October 1942 the Rev. Green was so
25 severely beaten that he had to be sent to hospital.

1 There were many beatings. (Ex. 1603, 1604, 1605 at
2 pp. 13177-13180 Ex. 1607 at p. 13182)

3 Sec. 2(a), 3, 5(a) & (d). (b) North Point
4 POW Camp.

5 Same conditions as previously described.
6 (Ex. 1604 at p. 13178 Barnett at pp 13119-30)

7 Sec. 3, 5(a). (c) Argyle Street POW Camp.

8 Same conditions as previously described.
9 (Ex. 1606 at p. 13181)

10 (d) Bowen Road Military Hospital.

11 Sec 1, 3, 4 (a) (b) (c), 5(a). Same condi-
12 tions as previously described. The food supplied was
13 the same as in the camp - insufficient and inferior.
14 Medical supplies became very scarce because of the
15 large numbers of patients coming in at all times and
16 because the Japs took supplies from the hospital when-
17 ever they wanted them. They also took away most of
18 the X-ray equipment, and stole many Red Cross parcels.
19 In November 1942 a special muster parade was called for
20 all patients who could walk, and hospital staff. Dr.
21 SAITO, head of medical affairs in Hong Kong, called
22 this parade because he accused some of the patients
2 of cheering when the first American air raid took
2 place on Hong Kong on 25 October. He called out the
2 C.O. of the hospital (Col BOWIE) and Major BOXER (a

1 patient), and beat them about the head and face. He
2 then went in and beat about the face all the patients
3 in Ward 5.

4 Because of the lack of drugs men died from
5 diphtheria and dysentery. (Ex. 1608 at p. 13183,
6 Barnett at p. 13134-7)

7 11. Japan.

8 (1) Principal Atrocities and Incidents.

9 Nil.

10 (2) POW and Internment Camps.

11 (a) Hoji Hospital.

12 Sec. 3 & 5 (a). Food poor and unsuitable for
13 sick Europeans. Hospital accommodation very poor -
14 patients slept on wooden floors in small cubicles on
15 loose straw. There were several Japanese doctors but
16 all medical attention was left to some American pri-
17 soners attached to Army Medical Corps. Approximately
18 180 European prisoners in this hospital and during the
19 two months from about December 1942, approximately 50
20 died, mostly from lack of medical attention. (Ex. 1920
21 at p. 14203)

22 (b) Ofuna Naval Prison.

23 Sec. 1 & 4(a). Many severe beatings were
24 administered with two-handed clubs issued to the
25 Japanese for the purpose. Prisoners not allowed to

talk to each other unless given special permission.

(Ex. 1933 at p. 14233)

(c) H.Q. Prison Camp. Osaka (Honcho).

Sec. 1, 2(a) (c), 3, 4(a) (c), 5(a). Food

insufficient and unsuitable. Prisoners lost weight.

Continued and severe beatings and torture. A fav-

ourite torture was to put a hose up the rectum of a

prisoner and pump water in until he was unconscious.

Short rations or none at all also a form of punishment,

either for individual prisoners or for the whole camp.

Prisoners compelled to work on weapons of war for 16

hours daily; protests ignored. Practically no med-

icines or medical supplies provided for treatment of

sick. (Ex. 1936 at p. 14236)

(d) Motoyama POW Camp.

Sec. 2(c) & (d). Prisoners forced to do

arduous work and long hours in the mines - 12 hours a

day - which resulted in serious detriment to the health

of the prisoners. Safety precautions wholly inadequate

causing a number of injuries. Protests ignored. (Ex.

1943 at p. 14247)

(e) Camp D1 Yokohama.

Sec. 2(a) & (e). Prisoners forced to work in

the shipyard on cruisers, aircraft carriers and tenders.

No shelter from air raids other than open ditches were

provided, and these were $\frac{1}{2}$ mile from place of work.

(Ex. 1942 at p. 14246)

(f) Umeda Bunsho POW Camp. Osaka.

Sec. 1, 2(a) (b) (d) (e), 3, 5(a). Brutal

treatment handed out to all POW. Prisoners performed heavy work as stevedores, despite the fact that many were suffering from malnutrition and pneumonia and were generally in a weakened condition. They were beaten and kicked regularly and there was a lack of medical supplies, and food was insufficient. The sick received less rations than those working. (Ex. 1946, 1947 at pp 14251-2)

(g) Camp 4 Fukuoka.

Sec. 2(b) (e), 3, & 5(a). Latrines inadequate

and unhygienic. Plenty of medical supplies in camp, but POW never allowed them in sufficient quantities for their needs. Men with severe dysentery compelled to go out to work. If they stayed in camp, they were forbidden food for 2 days. Men injured at work and requiring blood transfusions were not allowed to have the plasma. (Ex. 1951 at p. 14257)

(h) Camp 5D, Kawasaki.

Sec. 1, 3, 4(a), 5(a) (d), 8(e). Food entirely

inadequate. Clothing issued only once. Ample Red Cross clothing and blankets in the camp, but the Japanese

1 used them. Also ample Red Cross medical supplies and
2 surgical instruments, but the Japanese refused to
3 issue them. Sanitation inadequate and unhygienic.
4 Punishments included beatings, standing to attention
5 for long periods and holding weights above the head.
6 These occurred daily. Sick men were refused medical
7 treatment, resulting in several deaths. (Ex. 1952 at
8 p. 14258)

9 DEFENCE EVIDENCE - Tokyo, KAWASAKI, Yokohama,
10 MAOETSU and MIZUSHIMA Camps-- POW given more food than
11 quantity given to Jap labours - sick given better
12 quality food - officers worked voluntarily - knew of
13 many cases where Japs had beaten prisoners - in March
14 43 he ordered that rations of sick be reduced to 2/3rds
15 of normal ration - this was done pursuant to instruc-
16 tions of Eastern District Army - witness complained
17 to POW Information Bureau at POW's being sent to such
18 cold places - he authorized members of staff to steal
19 Red Cross supplies (Witness SUZUKI p. 272-1-27227)

20 12. Java.

21 (1) Principal Atrocities and Incidents.

22 (a) July 42. Mrs. Van Mook was tortured by
23 the Japanese, in the Kempel Tai, Batavia. She was
24 made to sit on 5 sharp little beams, with her shins
25 on the sharp edge, for 5 hours without food or drink.

1 This torture was **repeated** and then she received the
2 water torture twice in succession and again the day
3 after. (Ex. 1754 at p. 13695)

4 (b) 16 July 42. Mrs. Idenburg van de Poll
5 was taken to the Kempel Tai building, Koningsplein
6 and interrogated. She was made to kneel on a foot-
7 scraper of rounded beams and tied fast. She was then
8 beaten with articles such as a plaited bamboo stick,
9 rope and a cudgel. As a result of severe punishments,
10 her feet was completely dislocated. She also had
11 matches knocked under her nails, was kicked on her
12 wounded legs, cigarettes extinguished on her arms and
13 legs, etc. She was beaten to the ground with the flat
14 of a sword, dragged through the cell by her hair and
15 kicked several times, resulting in a broken rib. (Ex.
16 1755 at p. 13696).

17 (2) POW and Internment Camps.

18 Sec. 1, 2(a) (b) (d), 3, 4(a) (b) & 5(a).

19 (a) Lycoun Camp. This camp was grossly overcrowded,
20 2400 POW being crowded into a camp designed for 600
21 students. The work was on military projects and very
22 heavy. Sanitary conditions very bad. Because of this
23 there was a dysentery outbreak and 15 deaths occurred
24 in a very short period. Corporal punishment was inflict-
25 ed frequently for conduct such as whistling in the bath-

room. (Ex. 1710 at p. 13624)

(b) L.O.G. Camp, Bandoeng.

Sec. 1,3,4(a) & 5(a). Food was always insufficient, although at that time proper food was easily available. Sanitary conditions were appalling and at times the water supply was purposely cut off. Proper medical aid was made impossible owing to lack of medical supplies and the refusal to allow more doctors to visit the camp. The internees were beaten and kicked. (Ex. 1720 at p. 13644)

(c) Cycle Camp. Batavia.

Sec. 1,3,4(a) (b), & 5(a). Conditions the same as previously described. (Blackburn p. 11530)

13. New Britain.

Nil.

14. New Guinea.

(1) Principal Atrocities and Incidents.

Sec. 1, 10, 12. (a) August 42. At Milne Bay in territory occupied by Japanes a native was found tied with signal wire. He had been shot and bayonnetted. Also the body of a native woman was found tied down with wire by the wrists and legs to stakes. She had been killed by a bayonet. The bodies of six Australians were found - their hands tied behind their backs and bayonnetted through the stomach. (Ex. 1833 at p. 14067)

1 Sec. 1, 10, 12. (b) September 42. About 50
 2 yards from a captured Jap HQ at Waga Waga, Milne Bay,
 3 the bodies of 2 Australian soldiers were found - one
 4 terribly mutilated and the other tied to a tree. The
 5 body of another Australian was found - the top of his
 6 head was cut off and he was badly lacerated. The
 7 mutilated body of a native woman was found pegged to the
 8 ground. According to a captured Japanese soldier, these
 9 tortures were carried out by the order of their officers
 10 so that the Jap soldiers would fight and not surrender.
 11 (Ex. 1834 at p. 14069)

12 Sec 1, 10, 12. (c) August 42. At Milne Bay
 13 the bodies of eight native men and women were found
 14 shot or bayoneted. An Australian soldier was found tied
 15 to a tree and also a number of natives were found tied
 16 to trees. (Ex. 1835 at p. 14072)

17 Sec. 1, 4(a), 10, 12. (d) August 42. 7 to 9
 18 Australians, of whom 3 or 4 were women were captured by
 19 the Japanese and executed without trial, in the vicinity
 20 of Buna. (Ex. 1836A at p. 14074)

21 Sec. 1, 4(a), 10. (e) September 42. An
 22 Australian 2nd Lt. was captured and questioned. He was
 23 executed by beheading. (Ex. 1850 at p. 14102)

24 Sec. 1, 4(a), 10. (f) Two American soldiers
 25 were captured. They were blindfolded whilst being

questioned and afterwards were both beheaded. (Ex.
1850 at p. 14102)

(2) POW and Internment Camps.

Nil.

15. Singapore and Malaya.

(1) Principal Atrocities and Incidents.

Sec. 1,4(a) (c). (a) 29 July 42. All
personnel from River Valley Camp and Havelock Road
Camp including sick and many who were barefooted, were
compelled to double around a car park surfaced with
broken bricks and broken glass for 35 minutes. They
were beaten to keep them going. This was a mass punish-
ment for alleged laziness. (Wilde p. 5380-1)

Sec. 1,4(b). (b) July 42. 56 year old Lt.
Gen. L. HEATH refused to disclose conditions of defences
in India and as a consequence was struck on the jaw
and imprisoned in a dark unventilated mosquito infested
cell for 48 hours without food or water. (Wilde p.
5384-5)

Sec. 1,4(a) (d) & 10. (c) 2 Sept. 42.
4 POW (Brevington, Gale and 2 others) publicly executed
without trial for attempting to escape. Japanese
Colonel OKANE present (Ex. 1517 at p. 12930 Wilde p.
5412)

Sec. 1,4(b). (d) 2 Sept. - 6 Sept. 42.

1 On account of refusal of Senior Officers to order POW
2 to sign a promise not to attempt to escape 16000 POW
3 from Changi Camp were assembled in Selerang Barrack
4 Square which normally accommodated 450. They were
5 kept there for four days without food. Owing to large
6 increase in diphtheria and dysentery among POW, the
7 Senior Officers were compelled to instruct the POW to
8 sign agreement. (Ex. 1517 at p. 12930 - Wildo p.
9 5409-13)

10
11 (c) Sept. 42. POW in River Valley and
12 Havelock Road Camps compelled to sign non-escape agree-
13 ments. (Wildo P. 5413)

14 (2) POW and Internment Camps.

15 (a) Changi Civilian Internment Camp.

16 Sec.3. Although no one died from starvation,
17 malnutrition illnesses had broken out. (Ex. 1521 at
18 p. 12945)

19 (b) Changi POW Camp.

20 Sec. 1,2(a) (c) (d) (e), 3 & 5(a). From
21 middle of 1942 onwards food decreased and became pract-
22 ically a starvation diet. Beri beri and other mal-
23 nutrition diseases broke out. Medical supplies rarely
24 issued and then in inadequate quantities. Work parties
25 were engaged on aerodrome construction. The men worked

1 nine hours a day and were brutally treated by Japanese
 2 guards. Permission to purchase drugs through the Swiss
 3 International Red Cross Delegate in Singapore was
 4 withdrawn. (Ex. 1517 at p. 12930)

5 (c) River Vally Camp.

6 Sec. 1,2(a) (d) (e), 3 & 5(a). Accommodation
 7 remained inadequate - no adequate hospital facilities,
 8 no beds provided for patients - medical supplies in-
 9 adequate - boots and clothing wore out and not replaced
 10 - prisoners treated brutally on working parties. (Ex.
 11 1510 at p. 12911) Up to Dec 42, 15000 personnel passed
 12 through this camp and Havelock Road Camp which were
 13 adjacent to each other and run in conjunction. 3000
 14 of such personnel had to be hospitalized. Food de-
 15 ficient in vitamin content although sufficient in bulk.
 16 (Wilde p. 5378-9) Working parties engaged on drome
 17 construction. (Wilde p. 5390, 5418) and handling of
 18 incoming ammunition (Wilde p. 5382)

19 (d) Havelock Road Camp.

20 Sec. 1,2(a) (d) (e), 3 & 5(a). Conditions
 21 similar to River Valley Camp. Both of these camps were
 22 closed on 24 Dec, 42. (Ex. 1510 at p. 12911)

23 (e) Great World Camp.

24 Sec. 2(a) & 4 (a). Conditions similar to
 25 those in previous period. Camp apparently closed on

1 23 Dec 42. (Ex. 1508 at p. 12909)

2 (f) Roberts Barracks.

3 Sec. 3 & 5(a). Up to Sept. 42 main trouble was
4 due to malnutrition and lack of medical supplies. Then
5 a Red Cross ship arrived and supplies were adequate for
6 three months. (Ex. 1516 at p. 12929)

7 (g) Kuala Lumpur Camp.

8 Sec. 3 & 5(a). Conditions remained the same
9 as in previous period. Camp closed in October 1942 when
10 150 prisoners were transferred to Roberts Barracks.
11 They were covered with scabies and were suffering from
12 deficiency diseases. (Ex. 1516 at p. 12929, Ex. 1526
13 at p. 12952)

14 (h) Outram Road Gaol.

15 Sec. 1, 3, 4(c), 5(a) & (d). Prisoners
16 confined in small cells. Daily ration food 6 oz. of
17 rice and $1\frac{1}{2}$ pints watery soup. No medical attention.
18 Prisoners could be heard throughout the day screaming
19 with pain from beatings. Davies, an Englishman, died in
20 Oct. from untreated beri beri and the effects of beat-
21 ings. In August 1942 prisoners were mass punished by
22 having their ration cut to 3 oz. a day and being com-
23 pelled to sit cross-legged at attention from 7 a. m.
24 till 9.30 p.m. About the end of 1942 gaol visited by
25 a member of Japanese Royal Family but conditions did

not improve. (Ex. 1513 at p. 12914)

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16. Solomons, Gilberts, Nauru and Ocean Islands.

1 MIL.

2 17. Sumatra.

3 (1) Principal Atrocities and Incidents.

4 Sec. 4(b)&5(a) (a) Sept. 42. POW in Palembang were
5 forced to sign a parole form. 650 British POW were
6 locked into one small school. The hospital patients
7 were thrown out of the hospital and brought into the
8 camp. The senior commanders were put into solitary
9 confinement. After five days dysentery developed and
10 one man died. The parole form was signed on 8th day.
11 (Ringer p. 13562)

12 (2) PCW and Internment Camps.

13 Sec. 3&5(a) (a) Irene Lines Camp, Palembang. Same
14 conditions as previously described. (Bullwinkel p. 13465)

15 Sec. 1,2(a)(b)(c)(d)(e),3,4(a),5(a) (b) Palembang Camp

16 Accommodated in schools in slum area - inadequate sani-
17 tation - 6 seats to 600 POW - no bedding or mosquito
18 nets - malaria infested area - hospital consisted of
19 attap huts - no medical equipment or drugs - malaria and
20 dysentery prevalent - sick ranged from 25% to 60% -
21 food inadequate - 500 - 700 grams of rice - all pris-
22 oners including officers had to work - non-workers and
23 sick on half rations. POW engaged on military projects
24 such as construction of airstrips, anti-aircraft battery
25

1 and searchlight sites - heavy manual labour 7 hours a
2 day in tropical sun - half a day holiday per week, but
3 it had to be utilized for digging graves etc. Sick had
4 to work to fill quota - POW beaten to make them work
5 harder - complaints by officers about treatment of men
6 resulted in their being beaten. POW beaten into uncon-
7 ciousness - punishment administered without trial and
8 consisted of beatings, torture and confinement in small
9 cages. Mass punishment for individual offences.

10 (Ringer p. 13557-13586)

11 Sec. 1,2(a)(b)(c)(d)(e),3,4(a),5(a) (c) Padang Camp &
12 Madan Camp. Except for accommodation conditions similar
13 to Palembang (Ringer p. 13557-13586)

14 18. Timor and Lesser Sunda Islands.

15 (1) Principal Atrocities and Incidents.

16 Sec. 1. (a) - At Soeway, the Japanese beheaded a
17 Dutch Lieutenant. He had been found hiding himself in
18 the bush. (Ex. 1784 at p. 13824)

19 Sec. 1 & 10 (b) July 42. A Timorese had cut a telephone
20 wire. He and his two brothers were sentenced to death.
21 The public were instructed to watch the execution. The
22 three were shot and the graves were ordered to be filled
23 up by bystanders. (Ex.1787 at p. 13828)

24 Sec. 12 (c) Sept. 42. At Aileu, the Japanese made an
25 attack on Portuguese guards and killed most of them.

(Ex. 1790 at p. 13835)

1 Sec. 1 & 12 (d) Oct. 42. At Ainaro two Priests were
2 murdered by the Japanese for refusing to disclose the
3 whereabouts of some Australians. Their ankles had been
4 tied together, their heads tied down to their ankles and
5 they were bayoneted to death. (Ex. 1791 at p. 13836)

6 Sec. 1 & 12 (e) Dec. 42. At Atsabe, a Japanese, when
7 attacking Australian Forces, used 50 to 60 natives as
8 a screen. They also burned the native huts at Mt.
9 Katrai and shot the women and children. This was a
10 regular practice. (Ex. 1791 at p. 13836)

11
12 (2) POW and Internment Camps.

13 Nil.

14 19. Wake Island, Kwajalein and Chichi Jima.

15 (1) Principal Atrocities and Incidents

16 Sec. 1,4(a) Oct. 42. Kwajalein - by orders of Central
17 H.Q. Tokyo, Vice Admiral ABE caused 9 POW to be exec-
18 uted. (Ex. 2055A, 2055B, 2055C at pp. 15018-28)

19 (2) POW and Internment Camps.

20 Wake Island.

21 Sec. 1,2(a)(b),4(a),5(a)(d) Conditions similar to those
22 previously described. (Stewart p.14911-14937 and Ex.
23 2035 at p. 14968)
24
25

DIVISION 3 - 1st. JANUARY to 30 JUNE 1943.

1 Indictment Ref.
2 to App. "D".

Subject.

3 1. Ambon

4 (1) Principal Atrocities and Incidents.

5 Nil.
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(2) POW and Internment Camps.

1 Sec 1,2(a)(b)(e) 3,4(a) 5(a) and 12. (a) Tantoey Camp.

2 Position as regards food work and medical supplies
3 the same, but lack of medical supplies serious due to
4 incidence of beri beri and tropical ulcers. No med-
5 ical instruments. Bomb dump blown up by Allied Air-
6 craft resulted in death of 10 Australian POW and 27
7 Dutch women and children, the latter being interned
8 in a camp adjacent to Australian Camp. 90 Australian
9 POW and a large number of Dutch women and children
10 injured. Camp was almost burnt to ground. Whilst
11 camp was still burning Japs authorized a Red Cross sign
12 being placed on hospital but after Jap recce plane
13 had flown over, presumably for the purpose of taking
14 photoes of the Red Cross sign amid the burning build-
15 ings the Japs compelled the removal of Red Cross sign.
16 Many times before the bombing representations had been
17 unsuccessfully made to have the POW Camp marked as
18 such and 200,000 lbs of high explosive bombs removed
19 from camp; the dump was within 15 feet of Australian
20 sleeping quarters and 75 feet of compound in which
21 200-250 Dutch women were interned. Camp had to be
22 rebuilt without Jap assistance or materials. This re-
23 sulted in accommodation being inadequate and men being
24
25

1 overcrowded. POW and natives were kicked, beaten and
2 tortured without any trial and frequently without any
3 offence being alleged against them. (van Nooten 13951
4 et seq).

5 Sec 1,2(a)(b)(c)(e),3 and 5(a) (b) Haroekoe Island

6 POW Camp. 2050 POW arrived on Island in May. Camp only
7 partly built consisted of bamboo huts with coconut
8 leaves for roofs. Nothing to drink was provided for
9 first four days and first meal consisting of 3½ ozs.
10 of rice after 26 hours thereafter once every 24 hours
11 for a week. Only 50 per cent POW not sick and then had
12 to build camp in tropical rainstorms. After third
13 day working parties sent out to build aerodrome work-
14 ing daylight to dark. Sick in camp were beaten up. By
15 8th day dysentery rate so high that all airfield work
16 had to stop and POWs were put on to camp construction.
17 Inadequate latrines gave rise to disease. Food was in-
18 adequate. At this time daily ration 5½ ozs. rice. Al-
19 most whole camp suffered from beri beri, malaria.
20 Medical supplies were almost nonexistent. Death rate
21 14 to 15 a day. In spite of this POW were forced to
22 resume work on airfield. POW on sick parade were beaten
23 to compel them to go out to work. One POW so beaten
24 died a few days later. Rations of sick were cut and
25 they had to eat snails, rats, mice, dogs and cats to
keep alive. (Ex. 1825 at p. 14056)

Sec. 1,2(a)(b)(c)(d)(e) 3 and 5(a) (c) Liang POW Camp.

1 1000 POW arrived in May 43. Camp consisted of one bar-
 2 racks accommodating 60 men and leaky tents for the
 3 rest. Work consisted of aerodrome construction and
 4 members of working parties and sick light duty parties
 5 were brutally beaten with pick shafts, rifle butts
 6 and bamboos. Work was very heavy, such as dragging
 7 heavy logs and clearing virgin jungle. POW were suf-
 8 fering from malnutrition as food was inadequate and
 9 medical supplies were very short. (Ex. 1827 at p. 1405)

11 2. Andaman and Nicobar Islands.

12 (1) Principal Atrocities and Events.

13 Sec. 12 (a) January 1943: Andaman - 7 Indians inclu-
 14 ding one woman were beaten and/or tortured to compel
 15 them to confess transmitting messages to the British.
 16 Torture consisted of burning and the water cure. At
 17 least two of them were executed without trial. (Ex.
 18 1610, 1611, 1612 and 1613 at pp. 13185-8)

19 Sec. 12 (b) March 1943: Andaman - 56 Indian men and
 20 women were accused of espionage by the Japanese. They
 21 were tried by judges sent from Singapore. During the
 22 course of the trial they were beaten and tortured by
 23 Japanese including the judges to force them to confess.
 24 Tortures including burning of private parts, inser-
 25 tion of heated pins under fingernails, and the water
 cure. Eventually 43 were executed, 12 died in gaol and

committed suicide. (Ex. 1616 at p. 13192)

1 3. Borneo

2 (1) Principal Atrocities and Incidents.

3 Sec 1. 4(a) (a) 1943: At Sandakan, Pte Hinchcliffe
4 for being away from his working party gathering coconuts,
5 was made to stand for an hour, subjected to beatings
6 with a stick and a board and to kickings, and then
7 placed in a cage where he was beaten daily and given
8 no food for 7 days. He was forced to sit at attention
9 during the day and if he relaxed he was taken out and
10 beaten. He was not tried for any offence. (Witness
11 Sticpewich 13356)
12

13 Sec 1. 4(a) (b) March 1943: At Sandakan Camp, an
14 Australian whilst a member of a working party was tied
15 up by his wrists to a tree and beaten about the head
16 and body with wooden swords, sword scabbards, rifle
17 butts and pieces of wood for 16 hours. Both arms were
18 broken and he died 4 days later as a result of the
19 beatings. He was not charged or tried for any offence.
20 (Ex. 1667 at p. 13410)

21 Sec. 1 & 10 (c) March 1943: At Balikpapan, 3 Dutch
22 and 1 Indian POW were murdered on account of being
23 mentally deranged. (Ex. 1691 at p. 13504)

24 Sec. 1.4(a) (d) 4 May 1943: An Aust. Officer at
25 Sendakan spent 14 days in the cage with 5 others and

1 was later subjected to beatings and torture for 4½ days
2 while being interrogated. He was burnt with cigarette
3 butts, tacks were put under his finger nails and ham-
4 mered in and he suffered other tortures. (Ex. 1667 at
5 p. 13410)

6 Sec. 12 (e) Early 1943: Throughout Western Borneo,
7 from early 1943 onwards, Indonesian and Chinese wo-
8 men were arrested and forced into brothels. (Ex 1701,
9 1702 at p. 13527) (f) June 43: Commandant Naval Police
10 said if Allies landed prisoners would be beheaded. (Ex.
11 1686 at p. 13495)

12 (2) POW and Internment Camps.

13 Sec. 1,2(a)(d)(e)3,5(a) (a) Tarakan Camp: Same con-
14 ditions as previously described. Officers forced to
15 work. Beri beri patients increased from 20 to 100.
16 (Ex. 1686 at p. 13495)

17 Sec. 1,3,4(a) & 5(a) (b) Balikpapan Camp: POW re-
18 ceived inadequate food, clothing and medical supplies
19 and were maltreated. Many natives died from maltreat-
20 ment and malnutrition. (Ex. 1691 at p. 13504)

21 Sec 1,2(a)(b)(d)&(e)3,4(a)(c)5(a) (c) Kuching Camp:
22 Conditions as previously described. Hospital accom-
23 modation most inadequate - dysentery patients lay on
24 the ground covered with a piece of sacking. Sanita-
25 tion was shocking. Practically no medical or surgi-

1 cal supplies. Brutal beatings at an average of 10 a
2 day took place. Propaganda photographs, falsifying
3 actual conditions were taken in the camp. Rations
4 consisted of 8 oz rice and 2 spoonsful of vegetables
5 daily. A number of deaths were due to deficiency dis-
6 eases. POW engaged on construction of military aero-
7 drome. Collective punishment administered for indivi-
8 dual offences. (Ex. 1673, 1674 at pp. 13446-8)

9 Sec 1, 2(d) 3, 5(a)&(d) (d) Kuala Belat Camp: POW
10 were starved causing malaria and beri beri. Members
11 of working parties and others were brutally beaten.
12 Rations reduced because Indians refused to fight Bri-
13 tish. In one month over 55 Indians died of starvation.
14 (Ex. 1655, 1656 at pp. 13312-3)

15 Sec. 1,2(a)(b)(c)(d)(e),3,4(a)(c)(f)5(a) (e) Sandakan
16 Camp: Conditions even worse than previously described.
17 The new "POW Guards Unit" visited work parties regu-
18 larly and administered constant mass beatings. Each
19 night POW were carried back on stretchers, unconscious
20 or with broken limbs. Rations were reduced to about
21 half the previous ration at the end of April 1943.
22 "Cages" were used for punishment. These cages were
23 wooden barred structures, open to the weather, in which
24 men could not stand up and owing to overcrowding could
25 only sit cross-legged throughout the day and night.

(Ex. 1666, 1667, 1668 at pp. 13404-20 STICPEWITCH p.

13355-7)

2 Sec. 1.3.4(a)(b)&5(a) (f) Lutong Camp: Conditions as
3 previously described. (Ex. 1657 at p. 13315)

4 Sec. 1.3. (g) Miri Camp: Indians at this camp received
5 insufficient food and were beaten constantly. The Japa-
6 nese unsuccessfully endeavoured to make them join the
7 Indian National Army and fight the British. The rations
8 consisted of 8 oz of rice a day and vegetables only oc-
9 casionally. (Ex. 1657 at p. 13315)

10 Sec 1.2(c)(d)(e)3.5(a) (h) Seria Camp: Accommodation
11 was inadequate resulting in gross overcrowding. Pris-
12 oners were brutally beaten in camp and on working par-
13 ties and were compelled to work 10-11 hours a day.
14 Food was insufficient. There were no medical supplies.
15 POW suffered from beri beri and other malnutrition
16 diseases. 27 POW died of diseases and starvation. (Ex.
17 1655, 1656 at pp. 13312-3)

18
19 4. Burma and Siam.

20 (1) Atrocities and Principal Events.

21 Sec 1 & 4(a)(d) (a) 16 Mar 43: Thambuyzayat Camp - Pte
22 Bell having been recaptured after escaping was executed
23 without trial. (Ex. 1560 at p. 13051)

24 Sec. 1. (b) May-June 43: Tonbo Camp - 40 British POW
25 starved for three days before interrogation and beaten.

Three died as a result one of whom was kicked to death by Jap. medical officer. (Ex. 1557, 1558 at pp 12993-4)

Sec 4 (d) (c) June 43: Sonkurai - 4 British Officers who escaped and had been at liberty for 52 days were recaptured and sent to Singapore where they were sentenced to 9 and 10 years penal servitude. (Wilde pp 5490)

(2) POW and Internment Camps.

Sec 3 & 12 (a) Rangoon Gaol. Prisoners of war and civil internees were hopelessly overcrowded in cells and inadequate sanitary accommodation. Beatings took place daily for failure to understand what the Japs wanted and for failing to bow to them.

Sec 5(a) Between 22nd. Nov. 42 and 16 Apr 43 many deaths occurred as a result of malnutrition and lack of medical facilities. (Ex. 1555 at p. 12991)

Sec 2(a)(b)(c) and 5(a) (b) 26 Kilo Camp POW went out to work at 0800 hours and returned to camp at 2200 or 2300 hours - work of a very heavy nature - even sick compelled to work to keep up quota. (Ex. 1561, 1563 at pp 13054 and 13059)

Sec 3.5(a) and (d) (c) 60 Kilo Camp Williams Force arrived in May 43 - previously a native camp. Natives dead of cholera still being carried away. Shortly after arrival POWs began to contract cholera and many died. (Williams 13006)

Sec 1,2(a)(b)(c)(d) and 5(a) (d) 75 Kilo Camp - POW

1 compelled to work on railway leaving camp at 8 a.m. and
2 returning at about 2 or 3 a.m. the following day. Sick
3 compelled to work. Prisoners beaten by the guards to
4 compel them to work harder. POW working in mud up to
5 their knees and had no change of clothing. Ten deaths
6 took place in three months. 3000 in this camp in April -
7 all in an enfeebled condition but all except 300 sent
8 to 105 Kilo, a number subsequently died and balance
9 transferred to 55 Kilo Camp. Natives at 75 Kilo Camp
10 dying at rate of 15 per day but given no medical atten-
11 tion. (Coates 11412-4 and Ex. 1563 at p. 13058, Ex. 1580
12 at p. 13098)
13

14 Sec 1, 5(a) (e) 105 Kilo Camp - April or May 43 - POW
15 suffering from dysentery, malaria and huge tropical
16 ulcers - only medical supplies were those obtained from
17 Japs in exchange for valuables - POWs brutally kicked
18 and beaten by guards. (Ex. 1563 at p. 13058)

19 Sec 2(a)(b)(c)3and5(a) (f) Hintok Camp * Siam - 27 Jan
20 43 - 18 Mar 43 - POW compelled to hew a camp out of
21 jungle and then repair work on jungle roads - hours of
22 work 8 a.m. to 6 p.m. - sick compelled to work - many
23 POWs had to work barefooted and clothes of all were
24 practically worn out - POWs, Dutch and Australian, suf-
25 fering from malaria, beri beri, dysentery, tropical ulcer

and general malnutrition. (Ex. 1565 at p. 13060)

1 Sec 1,2(a)(b)(c)(d)(e)3and5(a) (g) Kinsiok - 18 Mar 43 -

2 1 Apr 43. POW underfed and compelled to work on railway
3 line for long hours. Sick compelled to work. Prisoners
4 beaten and stoned by guards if they as much as straight-
5 ened their backs when working. Food, medical supplies
6 and clothing were insufficient. Beri beri and malnu-
7 trition was prevalent. (Ex. 1565 at p. 13060)

8 Sec 1,2(a)(b)(c)(d)&(e)3and5 (h) Kinsiok No. 1 Camp. -

9 1 Apr 43 - 30 Jun 43. Accommodation - 20 to 22 men per
10 leaky tent. POW including sick were compelled to work
11 on railway from 7 a.m. until 9 p.m. and were beaten if
12 they could not work. Food was insufficient and POW were
13 suffering from beri beri and malnutrition. (Ex. 1565 at
14 p. 13060)

15 Sec 3 (1) Koncoita - POW housed in a camp evacuated the
16 previous day on account of cholera deaths - huts indes-
17 cribably filthy and Japs refused to make tools available
18 to clean them. (Ex. 1567 at p. 13071)

19 Sec 3(a)(b)(c)(e)5(a) (j) Camps between Koncoita and

20 Taimonta - Accommodation in huts without roofs - food
21 consisted of rice with a few pieces of fish in it and
22 onion water - POW boots falling to pieces and clothes
23 worn out, no replacements - POW had to work in mud and
24 water from 12 to 20 hours per day, seven days a week on
25

1 railway. Sick were compelled to work and when unable to
2 do so rations cut to 1/3. (Ex. 1567 at p. 13071)

3 Sec 1,2(a)(b)(c)(d) and (e) 5(a)(d) (k) Sungkrai Camp

4 No. 2 Camp, Death Valley) 23 May 43 onwards. Accommoda-
5 tion - bamboo structures without roofs - 1680 POW confined
6 in 2 huts 200 metres long and 24 feet broad - rainy sea-
7 son POW had no protection from rain. Camp was a sea of
8 mud in two days - men had to sleep in mud. Working par-
9 ties on railway from 0530 hours to 1830 hours - food 1½
10 pints of rice and some vegetable broth daily ration -
11 sick were compelled to work - prisoners beaten whilst
12 working. Cholera broke out on 24 May 43 - no provision
13 for segregation of patients - a week later a partly
14 roofed hut was provided - some patients had to lie in
15 water - 38 men died on first day but could not be buried
16 as POW were not allowed to use tools - no medical sup-
17 plies - dysentery also broke out - many convalescents died
18 on account of being compelled to work. (Ex. 1569 at p.
19 13074)

20 Sec 1,2(a) and (b), 5(a) (1) 30 Kilo Camp - Feb, Mar 43

21 was used to accommodate 2000 sick suffering from avita-
22 minosis, dysentery and malaria - no medical supplies
23 available and medical orderlies were sent by the Japs
24 to work on railways. General Sassa went through hospi-
25 tal and ordered it to be closed and patients sent out to

work, as a result many died in the next two months.

(Coates 11411 - 2)

DEFENCE EVIDENCE - At end of 1942 Jap medical team dispatched from Singapore to Burma Thailand to improve sanitation and check malaria, cholera, dysentery and black plague - early rains in April 43 prevented transport of food supplies, drugs and medical supplies - malnutrition, dysentery, etc., increased in proportion to progress of line - deaths occurring as early as October 42 pointed out death rate to Southern Army H.Q. - food and medical supplies could have reduced death rate. (Witness YASUDA p. 27743-27750)

The Celebes and Surrounding Islands.

(1) Principal Atrocities and Incidents.

Nil.

(2) POW and Internment Camps.

Sec 1,2(a)(b)(c)(d)(e)3,4(a)(c)5(a)(d)&8(e) (a) Macassar POW Camp - Same conditions as previously described. (Ex. 1804, 1805 at pp 13866-7)

By April 1943 more than 70 per cent of the men were suffering from recurrent malaria, because of the lack of mosquito nets, boots, clothing, etc. The Japanese seriously restricted the supplies of quinine. There were also widespread malnutritional diseases. (Ex. 1804 at p. 13866)

1 Sec 1,3,4(a)(b)5(a)&12. (b) Teling Internment Camp,

2 Menado - Same conditions as previously described. (Ex.
3 1810 at p. 13920)

4 Sec 1,3,4(a)(b)5(a)&12. (c) Tokeitei Headquarters,

5 Menado: Suspects were confined under appalling conditions
6 - overcrowded cells; forced to sit up all day; no speak-
7 ing allowed; food was bad and insufficient in quantity;
8 severe and repeated beatings, in one case for 14 days all
9 day long and sometimes also at night; hanging by the feet,
10 head down, burning; rape. (Ex.1813 at p. 13923)

11 6. China other than Hong Kong.

12 (1) Principal Atrocities and Incidents.

13 Sec 1, 4(c) (c)(d) (a) April 1943: At Mukden Camp, 3
14 American POW, recaptured after escaping, were brutally
15 beaten and then beheaded. In addition the men from 3
16 barracks were forced to sit at attention each day for two
17 weeks as punishment for the escape of their fellow pris-
18 oners. (Ex. 1899 at p. 14174)

19 Sec 1, 3, 12 (b) August 1943: At Haiphong Road Camp, a
20 civilian internee taken to the Headquarters of the Japa-
21 nese Gendarmerie for questioning, was returned to the
22 camp in an unconscious condition as the result of torture.
23 He died several days later. (Ex. 1888, 1889, at p.p.
24 14157-60 and Ex. 1894 at p. 14166)

25 (2) POW and Internment Camps

1 Sec 1,3,5(a)8(a)&12. (a) Bridge House, Shanghai. Same
2 conditions as previously described. (Ex. 1893, 1894 at pp.
3 14165-6)

4 Sec 2(a),3,5(a),8(d)8(e) (b) Woosung Prison Camp, Shang-
5 hai. Same conditions as previously described. Food still
6 inadequate and medical care still not provided. From
7 early 1942 to March 1943 between 30 and 40 POW died due
8 to malnutrition, beri beri and dysentery. POW received
9 no Red Cross parcels whatever. (Ex. 1911 at p. 14911)

10 Sec 2(a),3,5(a)(c). (c) Mukden Prison Camp. Same con-
11 ditions as previously described. (Ex. 1905, 1906 at
12 pp. 14187-8, Ex. 1912, 1913 at pp. 14192-3)

13 Sec 3,4(a)5(a)&12. (d) Hainhong Road Camp. Same condi-
14 tions as previously described. In January 1943 there
15 were approx. 370 civilians interned in this camp and
16 classified as POW by the Japs. Food totally insuffic-
17 ient. Accommodation overcrowded. No beds, bedding and
18 practically no equipment provided by the Japs. Many
19 men developed beri beri and other ailments due to malnu-
20 trition. (Ex. 1888 at p. 14157 and Ex. 1893-4 at pp.
21 14165-6)

22 Sec 3.5(a) (e) Camp "C" Yongchow. All internees, old
23 and young, men and women, were transported to this camp
24 in Spring of 1943 under extremely severe circumstances.
25 Food was short, medical supplies almost non-existent.

(Ex. 1893 at p. 14165)

1 Sec 3.5(a) (f) Pootung Internment Camp. The camp was in
2 a military zone. Sanitary and toilet arrangements un-
3 satisfactory and primitive. Roofs leaked, bugs and
4 vermin abounded. Accommodation in old warehouse unsat-
5 isfactory, and inadequate. No clothing provided. Food,
6 at first sufficient, began to decrease. Medicines and
7 equipment difficult to get - the Japanese supplied none
8 at all. (Ex. 1893 at p. 14165, Ex. 1904 at p. 14186
9 and Ex. 1908 at p. 14189)

10 Sec 2(a), 3.5(a), 8(e) (g) Kiang Wan Prison Camp. Food
11 insufficient and the work very hard with the result that
12 several POW died from malnutrition. A great deal of
13 food was stolen from the POW kitchen by the Japs. No
14 stoves, no fuel for fires. Latrine facilities and water
15 supply inadequate. Only a small amount of clothing is-
16 sued by Japs. No attempt made to provide medical care.
17 Red Cross packages were withheld from the POW until
18 about May 1945. Prisoners forced to do war work. (Ex.
19 1907 at p. 14189, Ex. 1909 at p. 14190 and Ex. 1915 at
20 p. 14195.
21
22

23 DEFENCE EVIDENCE - re para. (c) above. In-
24 structions of accused UMEZU to Kwantung Army to send
25 medical and hygiene personnel to Mukden to restore phy-
sique of P.O.W. - date Feb 43. General health of P.O.W.

1 bad. (Ex. 3113 & 3114 at pp. 27815-7)

2 7. Formosa

3 (1) Principal Atrocities and Incidents.

4 Sec 1,4(a)&(b) (a) 23 Jan. 1943: At Kinkaseki, because
5 they had not had identification photos taken, 15 sick
6 POW were lined up in the pouring rain, made to do PT
7 and beaten. Two died as a result. (Ex. 1630 at p. 13210)

8 Sec 1,4(a)&(b) (b) 28 Jan. 1943: At Kinkaseki, 7 men in
9 the dysentery ward were caught playing cards and sent-
10 enced to be handcuffed together for 3 days. One who was
11 seriously ill died 3 weeks later. (Ex. 1630 at p. 13210)

12 (2) POW and Internment Camps.

13 Sec 1,2(b)(d)&(e),3,4,(a)5(a)&(d),6(c) (a) Karenko POW
14 Camp. Conditions as previously described. Orgies of
15 beatings continued, some of them continuing up to 10 days
16 and nights. Latrines were in a disgusting condition in
17 spite of repeated protests. Protests against beatings
18 only resulted to an epidemic of extreme brutality through-
19 out the camp. Beatings were given by officers as well
20 as guards. High ranking military, judicial, and diplo-
21 matic personnel were severely ill-treated by Japanese
22 soldiers for alleged offences or none at all, and were
23 all forced to salute Japanese soldiers and civilians;
24 officers compelled to do heavy manual work. No clothing
25 ~~whatever issued. Food continued to be inadequate and~~

1 prisoners lost weight steadily; they were not allowed
 2 to buy extra food. In February 1943 POW were forced,
 3 under duress, to sign a non-escape and good-behaviour
 4 form. Several Red Cross representatives were impris-
 5 oned in this camp and treated as ordinary prisoners.
 6 (Ex. 1629 at p. 13208, Blackburn pp. 11542-53)

7 Sec 1,2(a)(b)(d)&(e)3,4(a)5(a) (b) Kinkaseki POW Camp

8 Conditions continued as before but from January 1943
 9 the treatment of the POW became more brutal and savage,
 10 as a result of 3 men complaining of beatings. At the end
 11 of the day those whom the Jap and Formosan foreman con-
 12 sidered had not done enough work were beaten with ham-
 13 mers until unconscious. Many deaths were caused through
 14 the brutal and inhuman treatment. By May 1943, less
 15 than 50 per cent were fit to walk to the mine and on one
 16 occasion 90 per cent of the sick were forced to work
 17 because of an inspection by the C-in-C. In March 1943,
 18 the General from the Prisoner of War Information Bureau
 19 visited Kinasaki Camp, but no prisoner allowed to speak
 20 to him. (Ex. 1630, 1631 at pp. 13210-25)

21
 22 8. Indo-China

23 Nil.

24 9. Hainan Island.

25 (1) Principal Atrocities and Events.

Nil.

(2) POW and other camps.

1 Sec 1,2(a)(b)(e)(d)&(e),3,4(a),5(a) (a) POW Camp:-
2
3 Conditions generally the same as those previously des-
4 cribed except that coolie huts were made available as
5 a hospital - no medical supplies or drugs were provided,
6 Only one rest day for working party every five weeks.
7 (Ex. 1624, 1625 at pp. 13202-3)

8 Sec 1 & 2 (b) Coolie Camp:- Conditions as previously
9 described. (Ex. 1625 at pp. 13203)

10 10. Hong Kong.

11 (1) Principal Atrocities and Incidents.

12 Nil.

13 (2) POW and Internment Camps.

14 Sec 1,2(a)(b)(c)(d)&(e)3,5(a)&(d)&8(e) (a) Shamshuipo
15 POW Camp: Same conditions as previously described.
16 A certain number of huts in very bad repair were set
17 aside as a hospital. There were no beds, no windows
18 or doors, but later the Red Cross supplied the money
19 to put in windows and doors. The food was very bad and
20 it went from bad to worse. The Japanese medical auth-
21 orities supplied no serum, but a Japanese interpreter
22 brought some into camp thereby saving many lives. Conse-
23 quently the interpreter was removed from the camp to
24 the Bowen Road Hospital as the Japs considered he was
25 treating the prisoners too humanely. He was later im-

1 prisoned for helping the prisoners at the hospital
2 and not released until the British forces came. The
3 prisoners on working parties were called at 4 in the
4 morning though they did not start work until 9 a.m.; the
5 intervening hours were spent in counting them out and
6 getting them transported to the place of work. They
7 returned at about 7 at night. The Japanese pilfered
8 Red Cross supplies. (Barnett at pp. 13137-43, Ex. 1603
9 at p. 13177 and Ex 1605 at p. 13180)

10 Sec 3&5(a) (b) Argyle Street POW Camp Same conditions
11 as previously described. (Ex. 1606 at p. 13181)

12 Sec 1,3,4(a)(b)(c)&5(a) (c) Bowen Road Military Hospital
13 Same conditions as previously described. (Barnett at p.
14 13134-7 and Ex. 1608 at p. 13183)

15 11. Japan.

16 (1) Principal Atrocities and Incidents.

17 Sec 1,4(a) (a) 7 May 1943: At Hakodate No. 1 Camp,
18 a Dutch POW died after being confined in the guard-
19 house for several days, accused of theft. He was taken
20 out and beaten with fists, sticks and belts every few
21 hours and was not allowed food or medical attention.
22 Eventually he died as a result of this ill-treatment.
23 (Ex. 1920 at p. 14203)

24 (2) POW and Internment Camps.
25

1 Sec 3&5(a) (a) Moji Hospital: Same conditions as pre-
2 viously described. (Ex. 1920 at p. 14203)

3 Sec 1&4(a) (b) Ofuna Naval Prison: Same conditions as
4 previously described. (Ex. 1933 at p. 14233)

5 Sec 1,2(a)(c),3,4(a)(c)5(a)&8(e) (c) HQ Prison Camp,
6 Osaka: Same conditions as previously described. Pract-
7 ically no medicine, medical or surgical facilities pro-
8 vided by the Japanese. In March 1943, 40 cases of medi-
9 cine and medical supplies were received and were supposed
10 to serve the 20 camps in the area. The Japanese allowed
11 nothing more than a small trickle to go out to other
12 camps. (Ex. 1936 at p. 14236)

13 Sec 2(c)(d)&5(a) (d) Motoyama POW Camp: Same conditions
14 as previously described. In the spring of 1943 pro-
15 tests were made to a Red Cross representative on working
16 conditions, and he promised to make a report to Geneva,
17 but no improvement resulted. The rate of sickness at
18 this time was increasing due to long hours, arduous work
19 and bad conditions. (Ex. 1943 at p. 14247)

20 Sec 1,2(a)(b)(d)(e)3,4(a)5(a)&(d) (e) Camp D1, Yokohama:
21 Conditions as previously described. In January 1943
22 more than 50 per cent of the 500 POW there had dysentery
23 and malaria. Food was at all times inadequate and in the
24 summer of 1943 the already meagre rations were reduced
25 by about half; as a result beri beri became prevalent and

1 practically everyone suffered from malnutrition. Pris-
2 oners continued to be employed at shipyards; sick men
3 forced to work and in the first three or four months
4 of the year 45 men died of pneumonia and malnutrition.
5 With adequate medical supplies, proper food, clothing
6 and medical treatment, these deaths could have been
7 avoided. Beatings, frequently administered to pris-
8 oners, including the sick who were sometimes dragged
9 from their bunks for the purpose. One American who
10 was ill and had been beaten by the guards, died about
11 two days later. (Ex. 1942 at p. 14246 and Ex. 1948 at
12 p. 14253)

13 Sec 1.2(a)(b)(d)(e), 3, 5(a)&(d) (f) Umeda Bunsho POW

14 Camp, Osaka: Same conditions as previously described.

15 (Ex. 1946) Brutal treatment together with lack of medi-
16 cal supplies increased the death rate of prisoners.

17 Within four months about 25 per cent of the original 458
18 prisoners had died due to starvation, exposure and
19 diseases resulting from malnutrition and brutal treat-
20 ment. (Ex. 1947 at p. 14252)

21 Sec 2(b)(e) 3&5(a) (g) Camp 4, Fukuoka: Same conditions
22 as previously described. (Ex. 1951 at p. 14257)

23 Sec 1.3.4(a)(c) 5(a)&8(e) (h) Camp 5D, Kawasaki: Same
24 conditions as previously described. Numerous beatings
25 with sticks, clubs and steel rods, mostly without cause

1 and many until the victim became unconscious. Prisoners
2 were often burned on different parts of the body with
3 small pieces of burning punk under the guise of giving
4 medical care. Collective punishment. (Ex. 1926 at p.
5 14223 and Ex. 1952 at p. 14258)

6 Sec 1,2(a)(b)(c)(d)&(e)3,4(a)5(a)&(d) (i) Hakodate No.

7 1 POW Camp: Conditions very severe. Food very short
8 and unsuitable. All prisoners suffered from beri beri
9 and other forms of malnutrition. No medical supplies.
10 The Japanese in charge of hospital and sick parades,
11 though not a medical man, compelled sick to work in
12 winter weather on heavy outside work at the Muroran
13 Steel Works, which produced steel for war purposes
14 and which was exposed to air attack. Working hours were
15 from daylight to dark with only one day off in 14.

16 Brutal beatings a common occurrence. The Japanese
17 kitchen guard took much of the prisoners' food and sold
18 it to Japanese civilians. (Ex. 1920 at p. 14203)

19 Sec 1,2(b)(d)&(e)3,4,(a)&5(a)&(d) (j) Kobe Camp No. 3:

20 During the winter at one time 157 out of 500 prisoners
21 were sick. The sick were forced to work and men often
22 collapsed on the job. There were about 35 deaths from
23 pneumonia and malnutrition. Medical supplies were very
24 poor. Beatings numerous and severe. Diarrhoea and dys-
25 sentery were not considered reasons for not working.

(Ex. 1937 at p. 14239)

1 Sec 1.2(a)(b)(d)&(e)3,4(a) (k) Orio POW Camp: Most
 2 of the 300 or 400 British and Australians sent to this
 3 camp in May 1943 were suffering from dysentery and beri
 4 beri. Food inadequate and diseases due to malnutrition
 5 were prevalent. On arrival prisoners were forced to
 6 run around a nearby village in front of the Japanese
 7 people. Those who collapsed were beaten. Prisoners
 8 worked in the coal mines where conditions were very
 9 bad and dangerous. Many of the sick were forced to work
 10 in the mines. Beatings numerous. (Ex. 1944 at p. 14248)

12 DEFENCE EVIDENCE - re (e) and (h) above -
 13 from Feb. 43 medical research carried out on P.O.W.
 14 in Tokyo Area Camps - generally speaking P.O.W. under-
 15 nourished and many suffering from diseases - as a result
 16 efforts made to cure and check spread of diseases.
 17 (Ex. 3110-2 at pp. 27809-14)

18 12. Java.

19 (1) Principal Atrocities and Incidents.

20 Sec 1.4(a) and 12. (a) March, 1943: A prisoner was
 21 mercilessly flogged and kicked for denying that he had
 22 spoken, at the Japanese military Court of Justice,
 23 Batavia. He was carried out of the cell and died an
 24 hour later. (Ex. 1748 at p. 13681)

25 Sec 1.4(a) (b) March, 1943: Kuipers died in hospital

1 after undergoing tortures by the Kempeitai at Soura-
2 baya. His tortures included constant flogging with a
3 rubber rod and the water torture, which lasted for three
4 days at a stretch. (Ex. 1748 at p. 13681)

5 Sec 1,4(e) and 12. (c) April, 1943: Three Dutchmen were
6 tried but given no opportunity to give their defence
7 and were condemned to death by the Court of Justice,
8 Batavia and were executed at Antjol by beheading.
9 (Ex. 1748 at p. 13681)

10 Sec 1 & 12 (d) February, 1943: The Kempeitai at Buiten-
11 zorg arrested and tortured leading members of the under-
12 ground organisation. The tortures included hanging,
13 kidney beating, the water test and electricity. The
14 tortures of the various people were continued for some
15 time. There were 16 executions by beheading. (Exs.
16 1749, 1750 at pp. 13682-4)

17 (2) POW and Internment Camps.

18 Sec 1,2(c) 3,4(a)5(a) & 14. (a) Jaar Markt Camp: Accom-
19 modation leaky grass huts with mud floors. Sanitation
20 system merely holes in ground. Food inadequate. Dis-
21 ease prevalent. No medical supplies. POW were brutal-
22 ly beaten and the practice of making prisoners beat
23 each other was adopted. In March, 1943, prisoners
24 were forced to load bombs, petrol and light armoured
25 vehicles on to ships marked with the Red Cross. (Ex.

1710 at p. 13624)

1 Sec 1,3,4(a)&5(a) (b) LOG Camp Bandoeng: Conditions
2 previously described continued. (Ex. 1720 at p. 13644)

3 Sec. 1 (c) Court of Justice, Batavia: Prisoners await-
4 ing trial were confined in cells in which they had to
5 sit upright except for one hour a day when they were
6 taken out and made to run 6 kilometres. Those who
7 didn't keep up were flogged. (Ex. 1748 at p. 13681)

8
9 13. New Britain.

10 (1) Principal Atrocities and Incidents.

11 Sec 1,4(a),(b)5(a) and 10. (a) January 25th: Two Chinese
12 were killed by the Japanese at Rabaul because they
13 were too sick to work. (Ex. 1855 at p. 14112)

14 Sec 1,4(a)(b)5(a) & 10. (b) January 29th: At Rabaul
15 10 Chinese were killed by the Japanese because they
16 had no strength to work. (Ex. 1856 at p. 14112)

17 Sec 1,4(a)(b)5(a) & 10. (c) February 4: Six Chinese
18 were shot and killed by the Japanese because they were
19 too ill to work. This happened at Rabaul. (Ex. 1857
20 at p. 14113)

21 Sec 1, 4(a) (b) 5(a) & 10. (d) March 3: At Rabaul, 24
22 sick Chinese POW were taken from their quarters, forced
23 into a grave and shot. On March 11th, the other batch
24 of sick Chinese were killed in the same way. (Ex. 1858
25 at p. 14114)

1 Sec 1,4(a)(b)5(a) & 10. (e) April 3: 11 Sick Chinese
2 POWr were executed with sabre at Kokopo because they
3 were too ill to work. (Exs. 1859, 1860 at pp. 14116-7)

4 Sec 1 and 12. (f) April: Because they were suspected
5 of having a radio set in the house, a Mrs. Lei Gitsai
6 Kunyang aged 59, was severely beaten by the Japs. Her
7 six sons were beaten, and one was beheaded. This
8 occurred at Rabaul. (Ex. 1864 at p. 14120)

9 14. New Guinea.

10 (1) Principal Atrocities and Incidents.

11 Sec 1, 4 (a) (a) At Salamaua a Flight Lieutenant, was
12 executed by decapitation, after being interrogated for
13 some days. (Ex. 1836B at p. 14075)

14 (2) POW and Interment Camps.

15 Sec 1, 3, 4(a) 5(a) & (d) (a) Wewak: For two days
16 following the arrival of the POWs from Singapore there
17 was no shelter, clothing or food of any kind. When the
18 officers reported the lack of food, they were beaten.
19 The men had to build their own huts out of jungle plants.
20 After a week men began dying of fever, dysentery, beri
21 beri and several other diseases. The Camp was split
22 up and those who remained in this camp were sick, with
23 no arrangement for rations or medicine. (Ex. 1837 at
24 p. 14080)
25

Sec 1, 2(c), 3,4(a), 5(a) and (d) (b) But: POWs re-

ceived rations but no food was given to the sick POWs. The POWs had to work continuously for eight days without any relief. Five or six men died every day. POWs were only relieved of fatigues when they could not walk and this would be one or two days before they died. If the officers complained they would be brutally beaten. (Ex. 1837 at p. 14080)

15. Singapore and Malaya.

(1) Principal Atrocities and Incidents.

Sec 1, 4(f) (a) 13 Feb. 1943: Barter, a prisoner at Outran Road Gaol who was suffering from beri beri and dysentery died as a result of beatings. (Ex. 1513 at p. 12914)

(2) POW and Internment Camps.

Sec 3. (a) Changi Civilian Internment Camp. Former conditions - overcrowding and underfeeding - continued. (Wilde 5359, 5695. Ex. 1521 at p. 12945)

Sec 1,2(a)(c)(d)&(e).3,4(a)&5(a) (b) Changi POW Camp: Food insufficient. Men continued to lose weight. Deficiency diseases prevalent. Greater part of the food grown by prisoners was seized by Japanese. Medical supplies totally inadequate. Neither boots nor facilities to repair worn out boots provided. No clothing nor hats issued. Working parties engaged in aerodrome construction worked long hours and were brutally treated.

(Ex. 1517 at p. 12930)

1 Sec 5 (a) (c) Roberts Barracks: Food improved during
2 this period for the purpose of building up men who
3 left for Burma, Thailand, Borneo and Japan from Jan.
4 1943 to May 1943. Medical supplies still inadequate.

5 (Ex. 1516 at p. 12929)

6 Sec 1,3,4(c)(f)&5(a) (d) Outram Road Gaol. Conditions
7 continued as previously described. (Ex. 1513 at p.12914)

8 16. Solomon Islands.

9 (1) Principal Atrocities and Incidents.

10
11 Sec 1, 4(a) 5(a) (a) May: At Buin whilst engaged in
12 road making, a POW became sick. He was tied with his
13 thumbs behind his back and pulled up with a block and
14 tackle attached to his thumbs until he was off the
15 ground. He died in 20 mins. (Ex. 1877 at p. 14133)

16 Soon after another Chinese, sick with fever,
17 made a noise when Allied planes came over. The Japanese
18 ordered the Chinese to dig a hole and the sick man was
19 buried alive. (Ex 1877 at p.14133)

20 Sec 1,&4(a) (b) May: Near Buin a white man dressed in
21 overalls like a pilot would wear, was sitting on the
22 ground with a drum of boiling water alongside him.
23 Each Japanese emptied a tin of boilg water over him.
24 (Ex. 1877 at p. 14133)

25 Sec 1, 4(a) 5(a) (c) May: A Chinese had been sick for

four or five days and unable to work. The Japanese
 1 tried to force him to work. He was given the water
 2 treatment and died within a few minutes. This occurred
 3 near Kahili. (Ex. 1877 at p. 14133)

4 Sec 1, 2(a)(b) 3, 5(a) & 10, (d) Jan to June 43 -
 5 Ballale Island - 527 white POWs mostly sick and in poor
 6 physical condition were brought to the island - one
 7 tried to escape but was recaptured and executed without
 8 trial - remainder were put to work on aerodrome cons-
 9 truction - a large number of deaths occurred from
 10 sickness - plans were drawn up for slaughter of POW in
 11 the event of an allied landing - in April or June 43
 12 an Allied landing was expected and in accordance with
 13 plan the 90 or 100 surviving POW were bayoneted to
 14 death. (Ex. 1878, 1879 at pp. 14137-40)

15 Sec 1 & 12. (e) March 43 - NARU ISLAND - As a reprisal
 16 for 1st. Allied bombing raid 5 white civilians were
 17 executed. (Ex. 1881, 1882 at pp. 14147-9)

18 Sec 1 & 12 (f) On Ocean Island 3 natives were beheaded
 19 without trial for stealing. Three others were made to
 20 race to an electrified fence and were electrocuted
 21 on touching it. (Ex. 1883 at p. 14150)

22
 23 17. Sumatra

24 (1) Principal Atrocities and Incidents.

25 Sec 1 & 10. (a) May: At Lawe Segala Camp, Indonesian
 POWs were told by the Japanese Commander that they

1 would soon have to enlist in the Japanese Army. On May
 2 29, a Japanese Officer and a Kempei Tai officer arrived
 3 at the camp. The POWs were told that they had five
 4 minutes to decide whether they would enlist in the Japan-
 5 ese Army. Those who refused to enlist were taken to
 6 Kota Tiano. The men were bound hand and foot and publi-
 7 cally shown to the population. They were executed on
 8 May 29th, with the population watching. (Ex. 1771 at p.
 9 13791)

10 DEFENCE EVIDENCE - Members of Imperial guard
 11 Division and 4th Division instructed to behave benevol-
 12 ently to enemy who submitted. (Witness ICHINOHE p. 27431-
 13 27433; Ex. 3069 p. 27429-30)

14 (2) POW and Internment Camps.

15 Sec 3 & 5(a) (a) Irene Lines Camp - Palembang. Same as
 16 previously described. (Bullwinkel 13465)

17 Sec 1, 2(a) (b) (c)(d) (e), 3, 4 (a) 5(a) (b) Palembang
 18 Camp: Accommodated in schools in Slum area - inadequate
 19 sanitation - 6 seats to 600 POW - no bedding or mosquito
 20 nets - malaria infested area - hospital consisted of
 21 attap huts - no medical equipment or drugs - malaria and
 22 dysentery prevalent - sick ranged from 25 percent to 60
 23 percent - food inadequate 500-700 grams of rice - all
 24 prisoners including officers had to work - nonworkers
 25 and sick on half rations - POW engaged on military pro-

jects such as construction of airstrips and anti-aircraft
1 battery and searchlight sites - heavy manual labour 7
2 hours a day in tropical sun - half day holiday per week
3 but it had to be utilized for digging graves etc - sick
4 had to work to fill quota - POW beaten to make them work
5 harder - complaints by officers about treatment of men
6 resulted in their being beaten - POW beaten into unconsciousness - punishment administered without trial and
7 consisted of beatings, torture and confinement in small
8 cages - mass punishment for individual offences. (Ringer
9 13557, 13586)
10
11

12 (c) Padang Camp & Medan Camp: Except for accommodation conditions similar to Palembang. (Ringer 13557-
13 13586)
14

15 Sec 1 & 12 (d) TANDJONG BALAI CAMP - Women internees
16 compelled to sweep village streets - subjected to beat-
17 ings and corporal punishment - most punished by being
18 deprived of food (Witness LEENHEWR - p. 13751-2)
19

20 DEFENCE EVIDENCE - re para (d) above - TANDJONG
21 BALAI Camp was the only one under administration of wit-
22 ness - visited camp frequently - never heard of matters
23 complained of in para. (d) - food greater in quantity
24 than that supplied to local inhabitants - European
25 style barracks - internees allowed recreation. (Witness
KOSHI p. 27655-27679)

18. Timor and Lesser Sunda Islands.(1) Principal Atrocities and Incidents.

Sec 1 & 12 (a) At Ossiv Japanese beat and tortured natives and half castes and killed native chief to compel them to disclose information about Australian forces.

(Ex. 1788 at p. 13834) (2) POW and Internment Camps.

Sec 1, 2(a)(b)(d)(e) 3, 4(a) 5(a) & (d) (a) Blom Camp

and Flores Island. No dwellings were provided in the first month and the sick had to stay out in the open air. Sanitary conditions were appalling. Food was insufficient and the health of the prisoners deteriorated. Medical supplies were totally inadequate and during many serious malaria epidemics the lack of quinine invariably caused death. Food was totally inadequate - the Japanese only supplied rice and maloe. The supply of milk by the Roman Catholic Mission for the seriously ill patients was forbidden and the purchase of special food for the sick was very much thwarted by the Korean Guards who themselves bought and stole these articles. Of 2,079 POWs (Dutch) 211 died within a year. Discipline was harsh, with corporal punishments which on occasions caused death. POWs who were sick with malaria and dysentery were sent out to the aerodrome to work. Sick POWs returning from their duty, and some beri beri patients, were beaten with a rifle butt. In the seriously ill patients hut, one

1 patient was kicked on the head, because he did not "lay
2 at attention." (Ex. 1785 at p. 13826)

3 19. Wake Island, Kwajalein and Chichi Jima.

4 Nil.

5 DIVISION 4 - 1 JULY 1943 TO 31 DECEMBER 1943.

6 Indictment Ref.
7 to Appendix "D"

Subject.

8 1. Ambon Island Group.

9 (1) Principal Atrocities and Incidents.

10 Sec. 1 & 12 (a) July 43. 5 Australian POW and 19 Ambon-
11 ese men and women were executed. (Ex. 1824 at p. 14054)

12 Sec. 1,3,4(a)&5(a) (b) 21 Sept 43 When an American
13 B-24 was shot down over KAI Islands the Japs took off
14 all the crew except the navigator who was pinned down
15 on the flight deck. He was dead the next day. Remains
16 were taken to Ambon where they were confined in two tiny
17 mosquito infested, non-ventilated cells without bedding
18 or blankets. Although some of the crew were suffering
19 broken limbs and ribs they received no medical treatment
20 Some of the crew were consistently interrogated and
21 beaten. Daily ration consisted of an inadequate quantity
22 of rice and very little water. Some of the crew con-
23 fined under these conditions for 68 days. (Ex. 1830 at
24 p. 14063)

25 (2) POW and Internment Camps.

Sec. 1,2(a)(b)(e)3,4(a),5(a),8(e)&14. (a) Tan Tock Bar-

1 rack. Accommodation, discipline and work were as des-
 2 cribed in the previous period except that POW were be-
 3 coming physically weaker and less able to do their work.
 4 Certain POW had to swim 200-250 yards out to a small ship
 5 and float timber ashore. One on account of physical con-
 6 dition was drowned. Food had dropped to 10 oz. rice
 7 daily with a little fish or meat. Beri beri, tropical
 8 ulcers and malnutrition increasing but only most inado-
 9 quate medical supplies available. POW engaged on un-
 10 loading ships found that bombs and ammunition were being
 11 unloaded from a hospital ship. Mail for prisoners re-
 12 ceived in Dec. 43 was withheld. (VAN NOOTEN pp. 13945-
 13 90 & 14023)

15 DEFENCE EVIDENCE - re (a) - Ship referred to
 16 RIO DE JANEIRO MARU called at Ambon but never had Red
 17 Cross sign. (Ex. 3061 at pp. 27317-27323)

18 Sec. 1,2(a)(b)(c)(e),3 & 5(a) (b) Harockoe Island POW

19 Camp. Conditions similar to those previously described
 20 except that buildings started to collapse and as a re-
 21 sult POW were allowed to use sick parties to build more
 22 suitable accommodation than before and to put in gardens.
 23 Malaria was increasing but POW were refused permission
 24 to carry out anti-malaria precautions. Clothing and foot-
 25 wear were worn out but only a small and inadequate

replacement of clothing was received. Very few of the prisoners had army footwear but they had to work on coral surfaces. POW rose at 6 a.m. and carried on work until dark. Many POW died. 600 very sick returned to Java in Nov. 43. (Ex. 1825 at p. 14056)

Sec. 1,2(a)(b)(c)(d)(e), 3&5(a). (c) Liang POW Camp.
Conditions similar to those previously described. (Ex. 1827 at p. 14059)

2. Andaman and Nicobar Islands.

(1) Principal Atrocities and Incidents.

Sec. 12. August 43. Nicobar - coolie working for Japanese on road maintenance died as a result of being beaten. (Ex. 1622 at p. 13200)

(2) POW and Internment Camps.

Nil.

3. Borneo.

(1) Principal Atrocities and Incidents.

Sec. 1,3,4(a)&5(a) (a) 24 July 43 At Sandakan M.P. H.Q. an Australian officer over a period of 3 months was frequently flogged with a whip and tortured, medical aid was refused him. His ration was 5 oz. of rice and a small piece of rock salt or a dried fish head a day. This was done to make him disclose information about a wireless set. (Ex. 1450 at p. 13332)

Sec. 1,3,4(a)(f) (b) About Aug. 43. At Sandakan, after

being tied up and interrogated for 8½ hours, W/O Sticpe-
 1 wich was put in a cage with 4 others for 4 nights and
 2 3 days and received no blankets or mosquito curtains.
 3 (Sticpewich p. 13359)

4 Sec. 1 & 12 (c) Oct. 43 At Bondiomasin, 5 women were
 5 executed. Other civilians were taken away and disappeared
 6 (Ex. 1695 at p. 13512)

7 (2) POW and Internment Camps.

8 Sec. 1,2(a)(d)(e),3,5(a) (a) Tarakan Camp. Conditions
 9 as previously described. (Ex. 1686 at p. 13495)

10 Sec. 1,3,4(a)&5(a) (b) Balikpapan Camp Conditions as
 11 previously described. (Ex. 1691 at p. 13504)

12 Sec. 1,2(a)(b)(d)(e),3,4(a)(c)&5(a) (c) Kuching Camp.
 13 Conditions as previously described. In Kuching Gaol
 14 prisoners awaiting trial were forced to sit at attention
 15 from 7 a.m. to 9.30 p.m. and were not allowed to talk to
 16 one another. The food was insufficient, consisting of
 17 8 oz. of rice and 2 spoonful of vegetables daily. The
 18 cells were alive with bugs and lice. (Ex. 1667 at p. 1341
 19 Ex. 1673, 1674 at pp. 13446-7)

20 Sec. 1,2(d),3,5(a) & (d) (d) Kuala Belat Camp. Conditions
 21 as previously described. (Ex. 1655, 1656 at pp. 13312-3)

22 Sec. 1,2(a)(b)(c)(d)(e),3,4(a)(c)(f), & 5(a) (e) Sanda-
 23 kan Camp. Conditions as previously described. From July
 24 1942 to July 1943, about 30 men died from malnutrition
 25

diseases and dysentery. (Ex. 1666, 1667, 1668 at pp. 13404-24 and STICPEWICH pp. 13355-7)

4. Burma and Siam.

(1) Principal Atrocities and Incidents.

Sec. 1 & 4(a) (a) Sept. 43. 7 British officers and one W/O brought into Kanburi Camp and beaten into unrecognizable masses, two of them being beaten to death. (Ex. 1570 at p. 13078)

Sec. 12 (b) Sept. 43. 30 Kilo Camp - Burmese beaten almost to death and then executed by shooting. (Ex. 1536 at p. 12965)

(c) Dec. 43. Wilde at request of Kempei Tai at KANOPAWBUPI gave a written account of sufferings of "F" Force - K.T. said it would be sent to Bangkok and then to Tokyo. (Wilde p.5485)

(2) POW and Internment Camps.

Sec. 3 & 5(a) (a) 80 Kilo Camp. Between 30 July 43 and 30 Aug. 43, 300 sick Australian, American and Dutch POW in filthy leaky attap huts. These sick men were continually drenched by the rain. They received only a small quantity of rice as their only ration on the basis that as they couldn't work they were sent to the camp to die. Only medical supplies were those procured by barter. From 2 to 6 died daily. (Ex. 1562 at p. 13057)

1 Sec. 1 & 5 (a) (b) 105 Kilo Camp. Between July and Dec.
2 43 same conditions as previously described. 158 deaths
3 took place in a camp strength of 2000-2500. (Ex. 1562
4 at p. 13058)

5 Sec. 1,2(a)(b)(c)(d)(e),3 & 5(a) (c) Kinsioka No. 1
6 Jungle Camp. Up to 20 July 43 similar conditions to those
7 previously described continued - POW suffered from malaria
8 dysentery, cholera and malnutrition. There were practi-
9 cally no medical supplies. Of 730 POW 48 died and 400
10 were evacuated on account of sickness. POW on work par-
11 ties were beaten by railway engineers. Many suffered
12 from foot rot and had to crawl back to camp at night but
13 were not allowed to stop working. Clothes of POW were
14 in rags and they had no footwear. (Ex. 1565 at p. 13060)

15 Sec. 1,2(a)(b)(c) (d) Kinsiok Camp. 20-23rd July 43 -
16 POW worked from daylight to dark to get railway line
17 finished - sick were driven out of hospital by punching
18 and beatings and compelled to work - dysentery and cholera
19 raging - 7 deaths from latter in 3 days - camp was a sea
20 of mud. (Ex. 1565 at p. 13060)

21 Sec. 2(a)(b)&5(a) (e) Kluanklai Camp. 24 July 43 -
22 malaria, beri beri and malnutrition but food improved -
23 had to construct own camp but after some weeks in rain
24 succeeded in doing this - sick men were forced to work -
25 work was of an unnecessarily dangerous nature and 6 POW

1 were killed in a landslide. Had 1000 men in July but
 2 only 98 left in December, majority having had to be
 3 evacuated owing to sickness. (Ex. 1565 at p. 13060)
 4 Sec. 3 & 5 (a) (f) Chungkai Sick Camp. 18 May 1943 to
 5 Jan. 1944 - Average strength 8000 POW who had been sent
 6 down from railways through sickness - 1400 died from
 7 injuries received at work, ill-treatment by guards,
 8 tropical ulcer, beri beri and pellagra. Medical supplies
 9 nil. Bandages - six 2" bandages per month to dress
 10 2000 tropical ulcers. No medical instruments - surgery
 11 done with a carving knife and a hacksaw. (Ex. 1566
 12 at p. 13070)

13 Sec. 1,2(a)(b)(c) & (e),5(a) &(d) (g) Sungkrai Camp -
 14 Conditions similar to those previously described pre-
 15 vailed up to 12 Sept. 1943. (Ex. 1569 at p.13074)

16 Sec. 12. (h) Upper Koncuita Camp. Coolie camp - Oct.
 17 1943 - strength 2500-2750, sick 1200 daily, deaths 382.
 18 (Ex. 1574 at p. 13083)

19 Sec. 12. (i) Niki Bridge Building Camp. 1500-2000
 20 coolies died in 6 months. (Ex. 1574 at p. 13083)

21 Sec. 12. (j) Wanvei Hospital Camp. Average coolie
 22 patients 1500, maximum 3000 in Sept. 1943 - camp grossly
 23 overcrowded, patients had to lie in open. Patients fre-
 24 quently ill-treated. 600-700 died in Sept. 1943. 4000
 25 died here in a year. (Ex. 1574 at p. 13083)

1 Sec. 12 (k) Kinsayoke Hospital - Consisted of tents
2 with bare ground as floor. When it was thought patients
3 would not recover they were put in attap lean-tos with-
4 out food or water or medical supplies. Hospital in
5 charge of 2nd class Jap. private. 2000 deaths in 15
6 months. Coolie patients. (Ex. 1575 at p. 13087)

7 Sec. 1,3,4(a) & 5(a) (1) Kilo 55. Hospital was an aban-
8 doned working camp and consisted of eight leaky bamboo
9 attap huts - no latrine facilities so they had to be dug
10 alongside huts - patients suffering from ulcers, dysentery
11 malaria and malnutrition diseases - drugs, food and medi-
12 cal equipment grossly inadequate - surgery had to be per-
13 formed with knife, 2 pairs of artery forceps and a carpen-
14 ter's saw. 120 leg amputations had to be performed in a
15 6 ft. x 8 ft. bamboo lean-to - daily beatings administer
16 to patients by Japanese - 330 died out of 1600 in six
17 months - deaths could have been avoided by adequate
18 feeding and drugs - protests made unavailingly to Jap
19 HQ at Thambuyzat - Jap. guards were strong and healthy.
20 (Coates p.11414-11433)

21 Sec. 1,3&5(a) (m) Kilo 50 Camp. Conditions worse than at
22 Kilo 55 - as a result of cholera on march from Siam 700
23 out of 1800 members of H and F Forces died within 2 or 3
24 months. (Coates p.11429) Japs were much better fed.
25 (Coates p. 11,478)

1 Sec. 1,2(a)(b)(c)(d)(e),3&5(a) (f.) Kilo 60 Camp. By
2 Dec 43 of 800 odd men in William's Force over 200 had
3 died of cholera and other diseases. Grossly inadequate
4 medical supplies. POW had little clothing and were al-
5 ways wet - hours of work were long - 6 a.m. to midnight
6 seven days a week. POW were dying of exhaustion; several
7 were found dead in their huts each morning until Oct. 43.
8 POW were beaten with bamboos, rifle butts and hammers
9 to make them work faster. (Williams p. 13003)

10 DEFENCE EVIDENCE - Witness was told by HAMADA,
11 Chief P.O.W. Admin. Dept. in July 43 that he had given
12 instructions that treatment of POW be improved on Burma
13 Thailand Ry. which he had just inspected. (Witness INADA
14 p. 27439-41)

15 5. The Celebes and Surrounding Islands.

16 (1) Principal Atrocities and Incidents.

17 Sec. 1 & 12 (a) Sept. 43. At Foelic, Halmahera, one
18 native was beheaded and another bayoneted to death by
19 the Japanese, both without trial. (Ex. 1815 at p. 13926)

20 Sec. 1 & 5(a) (b) 1 Oct. 43. At Pomala, Celebes, a
21 seriously wounded Australian flier was operated on and
22 his leg amputated without anaesthetic; he was then placed
23 on a stretcher in the middle of the road in the rain for
24 the night; he died within a few hours. (Ex. 1807 at p.
25 13916)

(2) POW and Internment Camp.

1 Sec. 1,2(a)(b)(c)(d)(e),3,4(a)(c),5(a)(d)&8(e) (a) Mac-
2 assar POW Camp. Same conditions as previously described.
3 (Ex. 1804, 1805 at pp.13866-7)

4 Sec. 1,3,4(a)(b)5(a) & 12. (b) Teling Internment Camp,
5 Menado. Same conditions as previously described. (Ex.
6 1810 at p. 13920)

7 Sec. 1,3,4(a)&5(a) (c) Military Prison, Menado. Over-
8 crowded conditions. Sick man not given food for 2 or 3
9 days. Prisoners died from dysentery, beri beri and star-
10 vation. Beatings a regular occurrence. (Ex. 1813 at p.
11 13923)

12 Sec. 1 & 12 (d) Aermadedi Women's Internment Camp, Men-
13 ado. Food insufficient, beri beri rampant - 28 of
14 approximately 340 died of it. The sick were not allowed
15 to go to hospital except in the case of 2 women who both
16 died there. Medical supplies very poor. Malaria was
17 prevalent. There were no visits from Red Cross represen-
18 tatives. The water supply was very poor - no running
19 water and water had to be carried in buckets by the women
20 They also buried the dead after digging the graves and
21 also dug the latrines. Medical supplies insufficient.
22 Severe beatings occurred regularly. When internees were
23 found outside the compound, looking for food, they were
24 whipped or beaten up, and quite often forced to stand in
25

the sun for long hours. (Ex. 1812 at p. 13922)

1 Sec. 5(a) (e) Kockku Camp, Halmaheiras. Medical
2 and treatment withheld, even during dysentery epidemics.
3 (Ex. 1806 at p. 13875)

4 6. China other than Hong Kong.

5 (1) Principal Atrocities and Incidents.

6 Sec. 1,4(a)&6 12 Nov. 43. At Yochow, a captured Ameri-
7 can airman upon refusing to give any information was
8 beaten, given the water treatment, handcuffed and parad-
9 ed through the village for public ridicule. (Ex. 1902
10 at p. 14184)

11 (2) POW and Internment Camps.

12 Sec. 1,3,5(a)&8(a)&12 (a) Bridge House, Shanghai. Same
13 conditions as previously described. (Ex. 1893 at p.14165)

14 Sec. 2(a),3,5(a),8(d) & (e) (b) Mukden Prison Camp.
15 Same conditions as previously described. (Ex. 1905, 1906
16 at pp. 14187-8 and Ex. 1912, 1913 at pp. 14192-3)

17 Sec. 3,4(a),5(a), & 12. (c) Haiphong Road Camp.
18 Same conditions as previously described. (Ex. 1888 at
19 p. 14158 and Ex. 1893, 1894 at pp. 14165-6)

20 Sec. 3 & 5(a) (d) Camp "C" Yangchow. Same conditions as
21 previously described. (Ex. 1893 at p. 14165)

22 Sec. 3,5(a) (e) Pootung Internment Camp. Same condi-
23 tions as previously described. (Ex. 1893 at p. 14165,
24 Ex. 1904 at p. 14186 and Ex. 1908 at p. 14189)
25

1 Sec. 2(a),3,5(a)&8(e) (f) Kiang Wan Prison Camp.

2 Same conditions as previously described. (Ex. 1907 at
3 p. 14188, Ex. 1909 at p. 14190 and Ex. 1915 at p. 14195)

4 DEFENCE EVIDENCE - re para. (b) MUKDEN - Red
5 Cross inspection 11 Nov. 43 hygiene & sanitation good -
6 154 deaths in 1 year - food & clothing adequate - general
7 conditions satisfactory. (Ex. 3096 & 3136 at p. 27679
8 & 27917)

9 7. FORMOSA.

10 (1) Principal Atrocities and Incidents.

11 Nil.

12 (2) POW and Internment Camps.

13 Sec. 1,2(b)(d)(e),3,4(a),5(a)(d),&6(c) (a) Karenko POW
14 Camp. Conditions as previously described. (Ex. 1629 at
15 p. 13208)

16 Sec. 1,2(a)(b)(d)(e),3,4(a)&5(a) (b) Kinkaseki POW Camp.
17 Conditions as previously described. (Ex. 1630, 1631 at
18 pp. 13210-24) Until April 1944 no medical orderlies were
19 allowed in the mine and the injured men remained in the
20 mine, their broken limbs and wounds unattended, until
21 the work party returned to the camp. (Ex. 1631 at pp.
22 13224)

23 Sec. 1,3,4(a),6(b) (c) Shirikawa POW Camp. En route to
24 this camp in June 1943 prisoners were in open trucks and
25 at every level crossing and station the train slowed down

1 and proceeded amidst the laughs and jeers of the civilian
 2 population including schoolchildren. Food inadequate
 3 and insufficient. Beatings a common occurrence - high
 4 ranking officers beaten. Sanitation particularly bad
 5 and unhygienic - frequent complaints about the sanitation
 6 resulted in American and British colonels having to empty
 7 latrines with open buckets. Officers compelled to do
 8 heavy work. Officers frequently placed in solitary con-
 9 finement for trivial offences without trial. (Brig. Black
 10 burn p. 11555-7)

11 8. French Indo-China.

12 Nil.

13 9. Hainan Island.

14 (1) Principal Atrocities and Incidents.

15 Sec. 1 & 12 17 July 43. 120 Chinese from coolie camp
 16 were bayoneted to death without trial. As the Japanese
 17 had been unable to find out who was running "dope" in the
 18 coolie camp they had picked their victims at random. (Ex
 19 1625, 1626 at pp. 13203-5)

20 (2) POW and Internment Camps.

21 Sec. 1,2(a)(b)(c)(d)(e),3,4(a) & 5(a) (a) POW Camp.

22 Conditions similar to those previously described except
 23 that daily ration of rice had dropped to 350 grams. Many
 24 men without boots had to work in bare feet. (Ex. 1624,
 25 1625 at pp. 13201-3)

1 Sec. 1 & 12 (b) Coolie Camp. Conditions as previously
2 described. (Ex. 1625 at p. 13203)

3 10. Hong Kong.

4 (1) Principal Atrocities and Incidents.

5 Sec. 1,4(a) (a) About June 43. At Argyle Camp, an officer
6 POW who had been trying to contact outside agents, was
7 detected and taken to Stanley Prison. He was badly
8 beaten up and in due course shot. (Ex. 1606 at p. 13181)

9 Sec. 1,4(a) (b) 29 Nov. 43: An Indian officer who had
10 opposed the Japanese in trying to undermine the loyalty
11 of Indian troops, was taken to Stanley Gaol where he was
12 treated with great brutality and then beheaded. (Ex. 1606
13 at p. 13181)

14 Sec. 1. (c) 18 Dec. 43. At Shamshuipo Camp, 2 British
15 officers who tried to effect a wholesale escape, were dis-
16 covered, tortured, tried and shot. (Ex. 1606 at p. 13181)

17 (2) POW and Internment Camps.

18 Sec.1,2(a)(b)(c)(d)(e),3,5(a)(d)&8(e) (a) Shamshuipo
19 POW Camp. Same conditions as previously described. (Ex.
20 1603 at p. 13177, EX.1605 at p. 13180 and BARNETT at p.
21 13137)

22 Sec. 3 & 5(a) (b) Argyle Street POW Camp. Same condi-
23 tions as previously described. (Ex. 1606 at p. 13181)

24 Sec. 1,3,4(a)(b)(c)&5(a) (c) Bowen Road Military Hospi-
25 tal. Same conditions as previously described. (Ex. 1608

at p. 13183)

11. Japan.

(1) Principal Atrocities and Incidents.

2
3 Sec. 1.3 & 4(a) (a) About 23 Dec. 43. At Fukuoka No. 17 Camp, a U.S. Corporal was confined in the guardhouse, on a charge of theft, without food or water for approximately 35 days, at the end of which period he died of starvation. His weight at death was estimated at 55 pounds; his normal weight was about 170 pounds. (Ex. 1917 at p. 14197)

10
11 Sec. 1.4(a) & 5(a) (b) Nov. 43. At H.Q. Prison Camp, Osaka, a POW suffering from pneumonia with a temperature of 104° was forced to get out of his bunk and stand at attention, whereupon he was knocked down for not saluting properly. Although it was very cold outside he was then put in the back of a truck and driven to the hospital where he died about 3 hours later. (Ex. 1936 at p. 14236)

19
20 Sec. 1.2(b)&5(a) (c) Winter 43. At HQ Prison Camp, Osaka, a POW who was ill with influenza was forced to work and died 24 hours later due to exposure. (Ex. 1936 at p. 14236)

23
24 Sec. 5(a) & (d) (d) 31 Dec 43: At Hakodate No. 1 Camp, a POW who had acute osteomyelitis, required an immediate operation. The Allied medical officer asked that he be

1 taken to a local hospital but the Japanese refused
 2 mission. He was also refused the necessary surgical
 3 instruments to perform the operation himself, and the
 4 POW died 3 days later. (Ex. 1950 at p. 14255)

5 (2) POW and Internment Camps.

6 Sec. 1 & 4(a) (a) Ofuna Naval Prison. Same conditions
 7 as previously described. (Ex. 1933 at p. 14233)

8 Sec. 1,2(a)(c)3,4(e)(c), & 5(a) (b) H.Q. Prison Camp,
 9 Osaka. Conditions as previously described. (Ex. 1936
 10 at p. 14236)

11 Sec. 2(c) & (d) (c) Motoyama POW Camp. Conditions as
 12 previously described. (Ex. 1943 at p. 14247)

13 Sec. 2(a) & (e) (d) Camp D1, Yokoyama. Conditions as
 14 previously described. (Ex. 1942, at p. 14246 and Ex.
 15 1948 at p. 14253)

16 Sec. 1,2(a)(b)(d)(e), 3, & 5(a) (e) Umeda Bunsho POW Camp,
 17 Osaka. Conditions as previously described. (Ex. 1946, 1947
 18 at pp. 14251-2)

19 Sec. 1,2(b)(e), 3, 4(a) & 5(a) (f) Camp 4, Fukuoka. Condi-
 20 tions as previously described. Severe beatings continued
 21 to be regular occurrences, and the Japanese C.O. of the
 22 camp made no attempt to correct the bad conditions. (Ex.
 23 1951 at p. 14257)

24 Sec. 1,3,4(a),5(a)(d),8(e) (g) Camp 5D, Kawasaki. Con-
 25 ditions as previously described. (Ex. 1926 at p. 14223)

and Ex. 1952 at p. 14258)

1 Sec. 1,2(a)(b)(c)(d)(e),3,4(a),5(a) & (d) (h) Hakodate
2 No. 1 Camp Conditions as previously described. (Ex.
3 1920 at p. 14203) Food continued to be inadequate and
4 medical supplies practically nil. Clothing poor, sani-
5 tation bad. Prisoners were compelled to sign hundreds
6 of chits for medicines which had not been issued and
7 which the Japanese sold or gave away. (Ex. 1950 at p.
8 14255)

9 Sec. 1,2(b)(d)(e),3,4(a),5(a) & (d) (i) Kobe Camp No. 3.
10 Conditions as previously described. (Ex. 1937 at p.
11 14239) Severe beatings continued to be a regular occur-
12 rence. One prisoner was beaten across the face with a
13 rubber-soled boot for three-quarters of an hour. (Ex.
14 1931 at p. 14231)

15 Sec. 1,2(a)(b)(c)(d)(e),3,4(a)5(a)(d),8(e) (j) Orio
16 POW Camp. Conditions as previously described. In win-
17 ter the cold was intense and the blankets supplied were
18 insufficient; there were a number of cases of pneumonia
19 and 5 or 6 Australians died from it. American Red Cross
20 parcels were sent to the camp, but most of the contents
21 were stolen by Japanese guards. Because of the contin-
22 ued shortage of medical supplies there were a number
23 of deaths. (Ex. 1944 at p. 14248)
24
25

Sec. 1,2(b)(d)(e).3 & 4(a) (k) Camp 17, Fukuoka.

1 Beatings and torture a daily occurrence. The sick were
2 forced to do heavy work at the mines. Regardless of
3 efforts to promote sanitation in the prisoners' area,
4 the Jap guard detachment permitted uncovered latrines
5 and garbage to exist in their own area, making it impos-
6 sible to control sanitation. During the winter there
7 was no way of heating the barracks or hospital building.
8 One prisoner had to have both feet amputated as a result
9 of torture. (Ex. 1917 at p. 14197 and Ex. 1929 at p.
10 14229)
11

12 Sec. 1 & 4(a) (1) Kamioka POW Camp. Severe beatings
13 and torture, consisting of burning punk placed on vari-
14 ous parts of the body, inflicted on the prisoners. (Ex.
15 1927 at 14224)

16 Sec. 1,2(b)(d)(e)3,4(a),5(a)&8(e) (m) Naoetsu POW Camp.

17 Food and clothing unsufficient. Frequent beatings.
18 In the winter when snow was sometimes 5 feet deep some
19 prisoners had to work in bare feet, though there were
20 300 or 400 pairs of Red Cross boots in the camp which
21 the Japanese refused to issue. In about September or
22 October 1943 the camp was visited by the accused Gen.

23 OHIHARA, Kenji. Conditions at that time were bad, the
24 men had lost weight and were in a pitiable condition,
25 the camp was infested with lice, bugs and other vermin,

1 the latrines were crawling with maggots, and men were
2 dying of malnutrition. DOHIHARA made a routine inspec-
3 tion of camp quarters, and the sick men and officers
4 who were in camp; the camp had been cleaned thoroughly
5 10 or 15 times before his visit. No change in condi-
6 tions result-d from his visit. (Chisholm p. 14271-5)

7 DEFENCE EVIDENCE - re para. (e) above, Comd.
8 Osaka P.O.W. Camp in Sept. 43 instructed that private
9 punishment be not inflicted on POW and that they be
10 given as much food as possible. (EX. 3117 at p. 27826-7)
11 re para. (f) above - See Witness SUZUKI (p. 27201-27)

12 12. Java.

13 (1) Principal Atrocities and Incidents.

14 Sec. 1 & 12. (a) Oct. 1, 1943. Dr. H.E.Boissevain,
15 Mayor of Semarang, was arrested by the Kempei Tai and
16 taken to the jail at Djornatan. He denied the charges
17 of having served as a spy and was beaten with a bamboo,
18 a dog whip and constantly pummeled. After three hours
19 of torture he was placed in a separate cell and endured
20 solitary confinement from 9 Oct. 43 until Jan. 31, 1945.
21 He was tortured and beaten day after day, even whilst
22 in hospital. (Ex. 1747 at p. 13676)

23 (b) July 43. The torture of members of the
24 underground organization by the Kempei Tai at Buitenzorg
25 continued as previously described. (Ex. 1749, 1750 at

pp 13682-3)

1 Sec. 1 & 12 (c) Nov. 43: Mrs. van Waveren was severely
2 tortured at the Kempei Tai, Tandjong Prock. She was
3 beaten with a bamboo; prodded on all parts of the body.
4 This torture was continued again and again in an endeavour
5 to make her admit knowledge of some revolvers. She died
6 under the most miserable conditions. (Ex. 1756 at p. 13697
7

8 (2) POW and Internment Camps.

9 Sec. 1,3,4(a)&5(a) (a) L.O.G. Camp, Bandoeng. Conditions
10 as previously described. (Ex. 1720 at p. 13644)

11 Sec. 3 (b) Camp No. 5, Tjimahi. This camp was under the
12 same authorities as the Bandoeng Camps and the food was
13 still very poor. Japanese inspected the camp and received
14 complaints but nothing was done to relieve the situation.
15 (Ex. 1720 at p. 13644)

16 13. New Britain.

17 (1) Principal Atrocities and Incidents.

18 Sec. 1,4(a),5(a) (a) 9 Oct. 43. At Kerevat a Chinese POW
19 was shot because he was too ill to work. (Ex. 1861 at p.
20 14118)

21 Sec. 1,4(a),5(a) (b) 2 Nov 43. A Chinese was shot because
22 he was too ill to work at Karaveat Aerodrome. (Ex. 1862
23 at p. 14119)

24 Sec. 1 & 12. (c) August 43. At Tobera Airfield, a Japan-
25 ese hit a native on the head with a plank. The native

1 retaliated and punched the Japanese. The native and
2 four others were tied up and struck on the head with
3 a mallet. All five, including two still alive, were
4 buried. (Ex. 1867, 1868 at pp. 14124-5)
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(2) POW and Internment Camps.

Rabaul.

1
2 Sec. 1,3,4(a) & 5(a) Conditions were very overcrowded,
3 POW were quartered in a small wood building and they
4 slept on the floor. Food consisted of about a coffee
5 cup three-quarters full of rice and half a cup of soup,
6 three times a day. Beating of prisoners was common for
7 the slightest infraction of the rules and many times
8 for no reason at all. The beatings were often rather
9 severe and Japanese used bamboo clubs, bayonet cases,
10 belts, their fists and ramrods from their rifles.
11 There was no American medical officer at the camp and
12 the Japanese furnished practically no medical attention.
13 There were 64 Allied prisoners at the camp; 40 of these
14 were reported by the Japanese as having been killed by
15 bombing while being transported to another camp, 17
16 died of starvation, beri beri and dysentery, there were
17 only 6 Allied prisoners alive on liberation. (Ex. 1865
18 at p. 14121)
19

20 14. New Guinea.

21 (1) Principal Atrocities and Incidents.

22 Sec. 1,4(a) & 12 (a) Oct. 43. At Aitape an Australian
23 POW and two Ambonese natives were executed by beheading.
24 (Ex. 1848 at p. 14098)
25

(2) POW and Internment Camps.

1 But.

2 Sec. 1,2(a) (b) (e); 4(a),5(a) (d). In December, Ameri-
3 can aircraft began to bomb the locality daily. Japan-
4 ese refused to allow the POW to mark the camp. While
5 air raids were on the men were put to work on the air-
6 field. POW officers complained about this, but it was
7 of no use. The Japanese would run for cover, but the
8 POW were not permitted to move. If any O/R or officer
9 fled for cover, they were severely beaten. During an air
10 attack five men were killed and 10 wounded and they were
11 given no treatment or food and were taken to a Jap
12 hospital where several of them were killed by some in-
13 jection of poison. Food was totally inadequate and 4
14 biscuits and 5 ounces boiled rice per day was the ration.
15 At this camp 160 men died out of 350. (Ex. 1837 at
16 p. 14080)

17 15. Singapore and Malaya.

18 (1) Principal Atrocities and Incidents.

19 Sec. 1 & 12 (a) June 43 4 Chinese who had arrived in
20 good condition at Outram Road Gaol on May 10, 43 and were
21 kept chained down in their cells, died as a result of
22 beatings and malnutrition. (Ex. 1513 at p. 12914)

23 Sec. 1,3,4(f),5(a) (b) 10 July 43. Australian prisoner
24 Allen died of starvation in Outram Road Gaol. For last
25 fortnight before his death he could not move; guards

1 would leave his food in a corner of cell where he could
2 not reach it. His corpse weighed 56 lbs. (Ex. 1513
3 p. 12914)

4 Sec. 1 & 12 (c) 1 Aug. 43. Mrs. Kathigasu taken to
5 Ipoh Police Station on charges of supplying food, medicine
6 and treatment to anti-Japanese. Tortured for 3½ months
7 including water cure, burning with hot irons, beatings,
8 etc. (Ex. 1533 at p. 12961)

9 Sec. 1 & 12 (d) Oct. 43. Chinese middle-aged woman
10 (OOI KEH HONG) tortured, burnt and dragged behind a
11 motor bike by Japanese M.P's at Penang. (Ex. 1531, 1532
12 at pp 12958-60)

13 Sec. 1 & 12 (e). Oct. 43. 56 civil internees taken from
14 Changi Civilian Internment Camp to Japanese Military
15 Police centres at Singapore for interrogation for alleged
16 espionage. There they were caged and tortured over a
17 period of months. Tortures included water, electric
18 torture, burning and flogging. 12 died of sickness on
19 account of appalling treatment and conditions of detention
20 one was executed and one died from torture and a fall
21 caused in an attempt to commit suicide. (Ex. 1519, 1520,
22 1521 at pp 12935-45)

23 Sec. 1 & 12 (f) 26 Nov 43. 7 Eurasians were beheaded
24 at Outram Road Gaol for giving news to people interned
25 in Changi Camp. (Ex. 1511 at p. 12912)

1 Sec. 1,4(a) (g) Australian Hatfield executed at Outram
2 Road Gaol for alleged espionage. (Ex. 1511 at p 12912
3 and Ex. 1513 at p 12914)

4 (2) POW and Internment Camps.

5 (a) Changi Civilian Internment Camps.

6 Sec. 3. Former conditions of overcrowding and underfeed-
7 ing continued. (Wilde p. 5359, 5695. Ex. 1521 at
8 p 12945)

9 (b) Changi POW Camp.

10 Sec. 1,2(a)(c)(d)(e), 3 & 5(a) Previously described con-
11 ditions continued. (Ex. 1517 at p. 12930)

12 (c) Roberts Barracks.

13 Sec. 3 & 5(a) A large portion of "F" Force returned from
14 Burma-Thailand Railway in Dec. 1943 suffering from gross
15 attacks of beri beri, malaria, tropical ulcers and gross
16 debility. Average loss of weight 70 to 80 lbs. a man.
17 80 per cent of men had to be admitted immediately to
18 hospital. On account of lack of beds many of the men
19 had to lie on bare boards or concrete floors. Food and
20 medical supplies inadequate. Men lacked clothing but
21 Japs refused to supply it. (Ex. 1516 at p. 12929)

22 (d) Outram Road Gaol.

23 Sec. 1,3,4(f), 5(a) & (d) Prisoners covered with septic
24 scabies and suffering from beri beri and dysentery.

25 Daily ration 8 oz. rice, a little soup and an occasional

fishhead. All hopelessly undernourished. Medicine and medical treatment refused. Prisoners went insane and received no treatment but were merely locked in the same cell as sane prisoners. (Ex. 1511 at p. 12921)

DEFENSE EVIDENCE - re (a) and (b) above - POW housed in clean wooden barracks - compound comfortable. POW contented with treatment but discontented with food. (EX 3312 at p. 30217 & EX 1513 at p. 12914)

16. Solomons, Gilberts, Nauru and Ocean Islands

(1) Principal Atrocities and Incidents.

Sec. 1 & 4(a) Dec. 43. 2 American airmen who had come down in the sea near Bougainville were beheaded. (Ex. 1875 at p. 14131)

(2) POW and Internment Camps.

Nil.

17. Sumatra.

(1) Principal Atrocities and Incidents.

Sec. 1,4(a) & 12 (a) July 43. Palembang - Many POW and civilians arrested and tortured by Kempai Tai to induce them to confess that they had taken part in a plot to stir up Ambonese. Three confessed under torture and were sent to prison. 80 Ambonese were executed without trial. (Ringer, p. 13601)

Sec. 1,4(a) & 12 (b) August 43. At Shibolga, North West Sumatra, the prisoners were beaten, tortured so that

1 injuries resulted, the water test applied and exposure
2 of a naked victim to the local population. (Ex. 1774
3 at p. 13811)

4 (2) POW and Internment Camps.

5 (a) Men's Civilian Camp - Palembang.

6 Sec. 3 & 5(a) Accommodation consisted of bamboo huts,
7 which accommodated 50 to 60 people. No medical supplies
8 were issued. The rice ration was gradually cut down
9 over a period of several months until in the end it was
10 one cup of uncooked rice per person per day. Work con-
11 sisted of camp duties only at this time. There were
12 about 500 to 600 people in this camp. (Sister Bullwinkel
13 p. 13467)

14 (b) Kertopati - Kempai Tai - Palembang.

15 Sec. 1,3,4(a)(f) The cells were no larger than 2 x 4
16 metres and prisoners were packed in one next to the
17 other. Hygienic conditions were extremely bad. Food
18 was inadequate and consisted of white rice and a few
19 slices of cucumber three times a day. Daily each prison-
20 er was beaten with a stick, a horsewhip or a rope. There
21 were several special torture chambers and the lightest
22 treatment was standing in the sun for the whole day. Men
23 so punished received food only in the morning. (Ex. 1777
24 at p. 12814)

25 (c) Palembang Camp.

1 Sec. 1,2(a)(b)(c)(d)(e),3,4(a),5(a) Accommodations in
2 schools in slum area - inadequate sanitation - 6 seats
3 to 600 POW - no bedding or mosquito nets - malaria in-
4 fested area - hospital consisted of attap huts - no
5 medical equipment or drugs - malaria and dysentery pre-
6 valent - sick ranged from 25 per cent to 60 per cent -
7 food inadequate, 500-700 grams of rice - all prisoners
8 including officers had to work - non-workers and sick on
9 half rations - POW engaged on military projects such as
10 construction of airstrips and anti-aircraft battery and
11 searchlight sites - heavy manual labour 7 hours a day in
12 tropical sun - half day holiday per week but it had to
13 be utilized for digging graves etc. - sick had to work
14 to fill quota - POW beaten to make them work harder -
15 complaints by officers about treatment of men resulted
16 in their being beaten - POW beaten into unconsciousness
17 punishment administered without trial and consisted of
18 beatings, torture and confinement in small cages - mass
19 punishment for individual offences. (Ringer p. 13557-
20 13586)
21

22 (d) Padang Camp & Medan Camp.

23 Except for accommodation conditions similar to Palenbang
24 (Ringer p. 13557-13586)

25 18. Timor and Lesser Sunda Islands.

(1) Principal Atrocities and Incidents.

1 Sec. 12 Portuguese civilians interned received in-
 2 sufficient food resulting in many deaths. No medical
 3 supplies. (Ex. 1789 at p. 13834)

4 (b) Dilli Gaol.

5 Sec. 4(a) Prisoners beaten and tortured during interro-
 6 gation. (Ex. 1795 at p. 13844)

7 19. Wake Island, Kwajalein and Chichi Jima.

8 (1) Principal Atrocities and Incidents.

9 Sec. 1.4(a) (a) 7 Oct. 43. Wake Island - 96 POW exe-
 10 cuted by machine gun fire on orders of Admiral SAKIBARA
 11 because Japanese feared that American forces would invade
 12 island. (Stewart p. 14926-31, Ex. 2036A,B,C at pp.
 13 14973.)

14 Sec. 1.4(a) (b) 13 Oct. 43 Wake Island - Sole remain-
 15 ing POW executed personally by Admiral SAKIBARA. (Stewart
 16 p. 14930, Ex. 2036 A.B.C at pp. 14973)

17 (2) POW and Internment Camps.

18 Nil

19 DIVISION 5 - 1st. January 44 to 30 June 44

20 Indictment Ref. Subject
 21 to App "D"

22 1. Ambon Island Group.

23 (1) Principal Atrocities and Incidents.

24 Nil.

25 (2) POW and Internment Camps.

1 Sec. 1,2(a)(b)&(e),3,4(a)&5(a) (a) Tantoey Barracks:

2 Conditions similar to those last previously described
3 except that during this period rice ration fell to 8
4 ozs. a day, (van Nooten 13945-7)

5 Sec. 1,2(a)(b)(c)(e)3&5(a) (b) Haroekoe POW Camp:

6 Conditions as previously described except that in May
7 1944, Japs, permitted POW's to construct effective sani-
8 tary latrines. By this time 300 POW had died. (Ex. 1825
9 at p. 14056)

10 Sec. 1,2(a)(b)(c)(d)(e)3&5(a) (c) Liang POW Camp:

11 Conditions as previously described. (Ex. 1827 at
12 p. 14059)

13 2. Andaman and Nicobar Islands.

14 Nil.

15 3. Borneo.

16 (1) Principal Atrocities and Incidents.

17 Sec. 1 & 12 (a) 13 Feb. 1944: In retaliation for a re-
18 volt against the Japanese, 58 male Suluks from Mantanani
19 (near Jesselton) were arrested and killed by torture or
20 starvation in Jesselton Prison. (Ex. 1659, 1660, 1661
21 at pp. 13322-37)

22 Sec. 1 & 12 (b) 15 Feb. 1944: At Mantanani, the Jap-
23 anese machine-gunned the Suluks, including women, and
24 subsequently killed the wounded. Following this 25 women
25 and 4 children were massacred. The Japanese then burned

the village and destroyed the boats. (Ex. 1659, 1660, 1661
at pp 13322-37)

Sec. 1 & 12 (c) March 1944: 8 or 9 Suluks, two of
whom were men, the remainder women and children, the
youngest a baby-in-arms were captured on the mainland
near Jesselton, kept in prison for 6 weeks and then exe-
cuted. Only 125 of 430 Suluks survived, as a result of
the various killings. (Ex. 1659 at p. 13322)

Sec. 1 & 12 (d) Feb. or March 1944: All males over 12
years of age, numbering 37, on the island of Dinawan
were arrested and taken to Jesselton Prison. None of
these 37 survived. The women and children were removed
to another island where 30 percent of them died as a re-
sult of the conditions. Of an original population of 120
only 54 remained, all of them women and children.
(Ex. 1663, 1664 at pp 13340-1)

Sec. 1 & 12 (e) About March 1944: All males who could
be found on the island of Sulug, were arrested, taken to
Jesselton, and all 29 perished. About 40 women and
children were removed to North Boreno where 25 died from
hunger and disease during forced labour. Only 59 sur-
vived out of the original population of 114 on the island
(Ex. 1659 at p. 13322)

Sec. 1 & 12 (f) About March 1944: On the 2 islands of
Udar all male adults were arrested and put to death. 45

1 women and children were removed to North Borneo where 11
2 died. Only 35 out of an original population of 64 on
3 the islands, survived, including only 2 adult males.
(Ex. 1659 at p. 13322)

4 Sec. 1 & 12 (g) Jan or Feb 1944: About 170 Chinese
5 and other prisoners were taken from Jesselton Gaol and
6 executed. (Ex. 1660 at p. 13322)

7 Sec. 1 & 12 (h) Early 1944: At Kota Belud Gaol, 8
8 Binadens - 2 men, 5 women and 1 child, were beaten over
9 a period of about 4 weeks and then shot by machine-gun.
10 (Ex. 1662 at p. 13338)

11 Sec. 1.4(a)(d) (i) Feb. 1944: At Sarakan 4 Dutch men
12 who attempted to escape, were recaptured about 10 days
13 later beheaded. (Ex. 1686 at p. 13495)

14 Sec. 1 & 12 (j) June 1944: At Bandjermasin, Martinus
15 Brahim was arrested because of suspected anti-Japanese
16 feelings. Before and during the interrogation he was
17 brutally tortured in various ways. (Ex. 1695 at
18 p. 13512)

19 Sec. 1 & 12 (k) June 1944: At Pontianak, some 1340
20 Chinese, Indonesian and Dutch people who had been arrest-
21 ed in October 1943 and January 1944 for conspiracy again-
22 st the Japanese, were murdered, only 63 having been
23 given a court marial. (Ex. 1696, 1697 at pp. 13514-20)

24 Sec. 1 & 12 (l) June 1944: At Kota Baru, 7 Malay
25

citizens, accused of murder but not tried, were bay-
 onetted to death. (Ex. 1700 at p. 13525)

(2) POW and Internment Camps.

Sec. 1,2(a)(d)&(e)3,5(a) (a) Tarakan Camp: Conditions as previously described. Conditions under which the men worked caused the death rate to rise during May, June and July. (Ex. 1686 at p. 13495)

Sec. 1,3,4(a)&5(a) (b) Balikpapan Camp: Conditions as previously described. (Ex. 1691 at p. 13504)

Sec. 1,2(a)(b)(d)&(e)3,4(a)(c)(e)&5(a) (c) Kuching Camp: Conditions as previously described. (Ex. 1673, 1674 at pp 13,446-8) At Kuching Gaol conditions continued as before. No Defending officer was allowed at trials, and no charge was made before trial and sentence. (Ex. 1667 at p. 13410)

Sec. 1,2(a)(b)(c)(d)(e)3,4(a)(c)(f)&5(a) (d) Sandakan Camp Conditions as previously described. Rations were reduced to 5 oz of weevily rice and a small quantity of tapioca daily in early 1944. Tropical ulcers, beri beri and dysentery became prevalent. (Sticpewich 13,355-7 and Ex. 1668 at p. 13,420)

Sec. 1,2(d)3,5(a)&(d) (e) Kuala Belat: Conditions continued as before. (Ex. 1655, 1656 at pp. 13,312-3)

Sec. 1 & 12 (f) Jesselton Gaol: Numerous beatings tortures and hangings of Suluks took place. In May and

1 June 1944, there were 258 men and women in the gaol, all
2 of whom died from beatings, disease, dehydration and
3 shooting, Chinese and other local people received the
4 same treatment as meted out to the Suluks. None of the
5 Chinese had been given a trial or been allowed to defend
6 themselves. No medical treatment was made available.
7 Many died each day as result of floggings and torture.
8 The only food received was sago. (Ex. 1659,1660 at
9 pp. 13322-32 and Ex. 1665 at p. 13342)

10 (4) Burma and Siam

11 (1) Principal Atrocities and Incidents.

12 Sec. 12 (a) Feb. 44: Chaymonga Coolie Camp: A number
13 of sick coolies were inoculated by Japanese and died
14 within a few minutes. In dysentery but coolies were
15 given brown sugar mixed with deadly poison and died the
16 next day. (Ex. 1574 at p. 13083)

17 Sec. 12 (b) June 44: Bum Rai - Japs arrested 6 Kachins
18 and executed them without trial as the Japs alleged that
19 they were purchasing food for allied troops. (Ex. 1549
20 at p. 12977)

21 Sec. 1,4(a) (c) June 44: Hopin - Three allied para-
22 chutists who had been captured by Japanese were executed
23 w/out trial. Another who had been badly wounded was
24 given no medical treatment and died. (Ex. 1554 at p.
25 12986)

(2) POW and Internment Camps.

1 Sec 1.3 (a) Tavoy Camp: Internees male and female were
2 beaten and starved. (Ex. 1555, 1557 at p. 12991 and Ex.
3 1558 at pp. 12993-4)

4 Sec 1.2(a)(b)&(e)3,5(a) (b) Tamarkan Camp: Sited with-
5 in 150 yards of 2 bridges and within 200 yards of an
6 Ack Ack battery. POW Camp was not marked as such in
7 spite of repeated requests - bombs and ack ack shrapnel
8 frequently fell in the camp resulting in numerous pri-
9 soners being killed and injured. On one occasion 18
10 POW were thus killed. POW were beaten and ill treated.
11 Sick compelled to work on railway maintenance. (Lloyd
12 13037) Ex. 1572 at p. 13081 and Ex. 1580 at p. 13098)

14 Sec 1.2(a)(b)(c)(d)(e)3 and 5(a) (c) 105 Kilo Camp:
15 Part of Williams Force retained until May 44 to maintain
16 railway and provide fuel. Conditions similar to those
17 in other camps of Williams Force (E.g. 60 Kilo Camp)
18 but food was worse - rice and peddy melons. (Williams
19 13011)

20 Sec 1.3,5(a) (d) Nakompaton: The residual serious sick
21 from Burma-Siam Railway other than F and H Force were
22 hospitalised here from Jan 44 onwards. 8000 in camp by
23 March - ten medical orderlies and 3 POW doctors for 1000
24 patients - hospital consisted of bamboo huts with wooden
25 floors - food ration was cut to 1/2 to 1/3rd. of that

1 given a healthy POW - no beds, bedding or other hospital
 2 appurtenances until May 44 when a small quantity was
 3 received - no drugs were supplied - transfusion of blood
 4 and secretions from convalescing prisoners to sick
 5 prisoners had to take place of drugs - patients medical
 6 orderlies and doctors were beaten. (Coates 11434 -11440)

7 5. The Celebes and Surrounding Islands.

8 (1) Principal Atrocities and Incidents.

9 Sec 1 & 12 (a) January 1944: At Paro-Pare Internment
 10 camp, South West Celebes, an R.C. Priest was thrashed to
 11 death by the Japanese who considered his action of tramp-
 12 ing down the ground around plants with bare feet, an in-
 13 sult to the Japanese Army. (Ex. 1811 at p. 13921)

14 Sec 1 & 12 (b) March 1944: At Lolohata, Halmeheira a
 15 native was beheaded without trial because he tried to save
 16 a young female relative from the Japanese. (Ex. 1814
 17 at p. 13926)

18 (2) POW and Internment Camps.

19 Sec 1,2(a)(b)(c)(d)(e),3,4(a)(c) 5(a)(d) & 8(e)

20 Macassar POW Camp: Same conditions as previously de-
 21 scribed. (Ex. 1804,1805 at pp. 13866-7)

22 Sec 1,3,4(a)(b),5(a)(d) and 12 (b) Teling Internment

23 Camp, Menado: Same conditions as previously described
 24 in February 1944 dysentery broke out and 10 men died but
 25 no medicines were supplied by the Japs, 12 men only were

allowed into the hospital, where most of them died.

(Ex. 1810 at p. 13920)

Sec 1,3,4(a) & 5(a) (c) Military Prison, Menado: Same conditions as previously described. (Ex. 1813 at p.13923)

Sec 5(a) (d) Kockku Camp, Halmaheiras: Same conditions as previously described. (Ex. 1806 at p. 13875)

Sec 1 & 12 (e) Pare-Paro Internment Camp, S.W.Celebes: Severe beatings of the internees was a regular occurrence. (Ex. 1811 at p. 13921)

Sec 1 & 12 (f) Aermadedi Women's Internment Camp, Menado: Same conditions as previously described. (Ex. 1812 at p. 13922)

6. China other than Hong Kong.

(1) Principal Atrocities and Incidents.

Nil

(2) POW and Internment Camps.

Sec 1,3,4(a)5(a)8(a) and 12. (a) Bridge House, Shanghai: Same conditions as previously described. (Ex. 1893 at p. 14165)

Sec 2(a)3,5(a)8(d) & (e) (b) Mukden Prison Camp: Same conditions as previously described. (Ex. 1905, 1906, at pp 14167-8 and Ex. 1912-1913 at pp. 14192-3)

Sec 3,4(a)5(a)8(e) and 12 (c) Haiphong Road Camp: Conditions as previously described. Red Cross letters written by internees were destroyed by the Japanese.

(Ex. 1893, 1894 at pp 14165-6 and Ex. 1888 at p. 14158)

1 Sec 3,5(a) (d) Camp "C" Yangchow: Conditions as pre-
2 viously described. (Ex. 1893 at p. 14165)

3 Sec 3,5(a) (e) Pootung Internment Camp: Conditions as
4 described previously. During 1944 the food ration was
5 cut by 36 percent. (Ex. 1893 at p. 14165, Ex. 1904 at
6 p. 14186 and Ex. 1908 at p. 14189)

7 Sec. 2(a)3,5(a)8(e) (f) Kiang Wan Prison Camp: Con-
8 ditions as previously described. (Ex. 1907 at p. 14188,
9 Ex. 1909 at p. 14190 and Ex. 1915 at p. 14195)

10 Sec 1,4(a)(b) (g) Shanghai Prison Camp: In Jan. or Feb.
11 1944, 50 American prisoners, as punishment for trading
12 their personal effects for money, were stripped, taken
13 out into the snow, and given the water torture many times.
14 They were also beaten. (Ex. 1895, 1896 at pp. 14169-71)

16 7. Formosa.

17 (1) Principal Atrocities and Incidents.

18 Nil

19 (2) POW and Internment Camps.

20 Sec 1,2(b)(d)&(e),3,4(a)5(a)&(d)6(c) (a) Karenko POW
21 Camp: Conditions as previously described. (Ex. 1629 at
22 p. 13208)

23 Sec 1,2(a)(b)(d)&(e)3,4(a)5(a) (b) Kinkaseki POW Camp:
24 Conditions as previously described. (Ex. 1640, 1631
25 at pp 13210-24)

Sec 1.2(b)(2)(e)3.4(a)5(a)8(b)&(d) (c) Shirikawa POW

1 Camp: Conditions as previously described. As a result of
2 the heavy work one Brig. General who had complained of
3 feeling sick but was forced to continue working, died in
4 May 1944. In June 1944 a Red Cross representative visit-
5 ed the camp. Officers selected by the Japanese were per-
6 mitted to speak to him, but were told not mention the
7 working conditions. One however, did inform the re-
8 presentative that prisoners were compelled to do work
9 beyond their strength. From then on discipline became
10 even more severe, and food ration reduced even more. At
11 this time the prisoners were already alarmingly thin and
12 in poor health. Not long after this visit, a new rule
13 was introduced that POW not allowed to get under their
14 mosquito nets until 9 pm - this resulted in an increased
15 malaria rate. The prisoners were informed that the
16 Geneva Convention would only apply to POW when expedient.
17 The camp was visited on several occasions by Col. SUZAWA
18 - the colonel in charge of administration. On two
19 occasions representatives from the camp were permitted to
20 put troubles to him, but no alleviation of any conditions
21 followed. Several Japanese generals visited the camp,
22 but they spoke only to the Japanese. (Brig. Blackburn at
23 pp. 11553-60)
24
25

3. French Indo-China.

(1) Principal Atrocities and Incidents.

1 Sec. 1 & 12 (1) June. As some cases of disloyalty
 2 appeared amongst the coolies bringing water to the camp,
 3 the Japanese seized a 19 year old boy who had just left
 4 work, bound him to a tree and beat him violently. He was
 5 found dead the next morning from strangulation. (Ex. 2117
 6 at p. 15307)

(2) POW and Internment Camps.

8 Nil.

9. Hainan Island.(1) Principal Atrocities and Incidents.

11 Nil.

(2) POW and other camps.

13 Sec. 1,2(a)(b)(c)(d)&(e),3,4(a)&5(a) (a) POW Camp - as
 14 previously described except that rice ration had again
 15 decreased. (Ex. 1624,1625 at pp 13202-3)

16 Sec. 1 & 12 (b) Coolie Camp - as previously described.
 17 (Ex. 1625 at p. 13203)

10. Hong Kong.(1) Principal Atrocities and Incidents.

20 Nil.

(2) POW and Internment Camps.

21 Sec. 1,2(a)(b)(c)(d)&(e),3,4(a),5(a)&(d)&8(e) (a) Sham-
 22 shuipo POW Camp: Same conditions as previously described.
 23 (Barnett - 13137 and Ex. 1603, at p. 13177 & Ex. 1606
 24
 25

at p. 13181)

1 Sec 3 & 5(a) (b) Argyle Street PCW Camp: Same conditions
2 as previously described. (Ex. 1696 at p. 13181)

3 Sec 1.3.4(a)(b)(c)&5(a) (c) Bowen Road Military Hospital,
4 Same conditions as previously described. (Ex. 1608 at
5 p. 13184)

7 11. Japan

8 (1) Principal Atrocities and Incidents.

9 Sec 1.4(a) (a) 31 May 1944: At Fukuoka No. 17 Camp a
10 U.S. prisoner was brutally bayoneted for the theft of
11 food. (Ex. 1917,1918 at pp. 14197-201)

12 Sec 1.2(b)(e)3.5(a) (b) June 1944: At H.Q. Prison Camp,
13 Osaka, a POW who was suffering from beri beri and was
14 forced to continue working collapsed at work and died a
15 few hours later. (Ex. 1936 at p. 14236)

16 Sec 1.2(b)(e)3.5(a) (c) June 1944: At H.Q. Prison
17 Camp, Osaka, a POW who was suffering from beri beri,
18 jaundice, skin ulcers, dysentery and pains in the stomach
19 was forced to continue working for about six weeks, fin-
20 ally died on the way to hospital. (Ex. 1936 at p. 14236)

21 (2) POW and Internment Camps.

22 Sec 1.2(a)(c)3.4(a)(c)&5(a) (a) HQ Prison Camp, Osaka:
23 Same conditions as previously described. (Ex. 1936 at
24 p. 14236)

25 Sec 2(a)&(e) (b) Camp D1, Yokohama. Same conditions as

previously described. (Ex. 1942 at p. 14246 and Ex. 1948
1 at p. 14253)

2 Sec 1,2(a)(b)(d)(e)3&5(a) (c) Umeda Bunsho POW Camp,
3 Osaka. Same conditions as previously described. (Ex.
4 1946, 1947 at pp. 14251-2)

5 Sec 1,2(b)(e)3,4(a)&5(a) (d) Camp 4, Fukuoka. Same con-
6 ditions as previously described. (Ex. 1951 at p. 14257)
7 Sec 1,3,4(a)(c)5(a)(d)8(e) (e) Camp 5D, Kawasaki. Same
8 conditions as previously described. (Ex. 1926 at p.
9 14223 and Ex. 1952 at p. 14258)

10 Sec 1,2(a)(b)(c)(d)(e)3,4(a)5(a)&(d) (f) Hakodate No. 1.
11 Camp. Same conditions as previously described. (Ex. 1920
12 at p. 14203 and Ex. 1950 at p. 14255)

13 Sec 1,2(b)(d)(e)3,4(a)5(a)&(d) (g) Camp No. 3. Kobe.

14 Severe beatings continued as previously. One POW had his
15 jaw broken in two places as the result of a beating. He
16 was refused medical treatment and was forced to continue
17 working. (Ex. 1931 at p. 14231, Ex. 1937 at p. 14239)

18 Sec 1,2(b)(d)(e)3,4(a) (h) Camp No. 17 Fukuoka. Same con-
19 ditions as previously described. (Ex. 1917 at p. 14197
20 and Ex. 1929 at p. 14229)

21 Sec 1 & 4(a) (i) Kamioka POW Camp. Same conditions as
22 previously described. (Ex. 1927 at p. 14224)

23 Sec. 1,2(b)(d)(e)3,4(a)5(a)&8(e) (j) Camp 4 B.Naoetsu.
24
25

1 Same conditions as previously described. (Chisholm at
2 pp 14271-5)

3 12. Java.

4 (1) Principal Atrocities and Incidents.

5 Sec 1 & 12 (a) The torture of Dr. H.W.Boissevain, Mayor
6 or Semarang, by the Kempeitai at Djoernatan jail, con-
7 tinued as previously described. (Ex. 1747 p. 13676)

8 Sec 1 & 12 (b) March: Between July 1943, and March 1944,
9 approximately 293 persons were executed in Java without
10 trial, on suspicion of anti-Japanese activities. This
11 was done on order of G.O.C. Sumatra. (Ex. 1760 at p.
12 13701)

13 (2) POW and Internment Camps.

14 Sec 1 & 12 (a) No. 5 Tjimahi Camp. On March 1st. the
15 Imperial Japanese Army took over the civilian camps. The
16 food situation gradually improved a little, but wasn't
17 sufficient to live on. At times additional foodstuffs
18 were procured from the sale of valuables. Medical sup-
19 plies received from the Japanese always remained in-
20 sufficient. Working parties were supplied each day to
21 work on farms. Corporal punishments were inflicted for
22 trivial or no offences. (Ex. 1720 at p. 13644)

23 Sec 1 & 12 (b) Camp Moentilan, Central Java. At this
24 camp there were cases of rape and forced prostitution
25 arranged by Kempeitai Officials. (Ex. 1725 at p. 13652)

13. New Britain(1) Principal Atrocities and Incidents.

1 (1) Principal Atrocities and Incidents.
2 Sec 1,4(a) (a) May 44: An Indian POW was so brutally
3 beaten that his leg was broken. He was then executed by
4 hanging. No trial for any offence. (Ex. 1869 at p.14126)

(2) POW and Internment Camps.

5 (2) POW and Internment Camps.
6 Sec 1,3,4(a)&5(a) (a) Rabual: Conditions as previously
7 described. (Ex. 1865 at p. 14121)

14. New Guinea.(1) Principal Atrocities and Incidents.

9 (1) Principal Atrocities and Incidents.
10 Sec 1,4(a)(b) (a) April: En route from Wewak to Hollan-
11 dia, and Indian POW complained that he was too weak to
12 carry his load and asked that it be lightened. He was
13 bound hand and foot carried into 4 feet of water and
14 drowned. (Ex. 1838 at p. 14088)

15 Sec 1,4(a)(b)(c)5(a) (b) May: At But, a party of 100
16 sick Indian POW were machine gunned and killed by the
17 Japanese as a reprisal for the action of some Gurkha in
18 signalling Allied Aircraft. When the machine gunning was
19 over, the Japanese threw grenades into the trenches. (Ex.
20 1839 at p. 14089)

21 Sec 1, 4(a) .(c) August: At Parom. two Indian POWs were
22 beaten with shovels, taken away and never seen again. The
23 were shot and killed by the Japanese. (Ex. 1840, 1841
24 at pp 14090-1)
25

1 Sec 1,4(a)5(a) (d) May: At But 30 POW patients were to
 2 be sent to the big Jap. hospital. 28 of those were kill-
 3 ed by bayonetting or shooting. Two escaped. On the 10th
 4 of May 35 more were ordered to be sent to the hospital.
 5 34 were killed by bayonetting and buried in a trench. One
 6 e caped. The others escaped from camp but the Japanese
 7 found most of them and they were killed. (Ex. 1837 at
 8 pp 14080-7)

9 15. Singapore and Malaya.

10 (1) Principal Atrocities and Incidents.

11 Sec 1 & 12 (a) Early 1944: At Penang Gaol three Chinese
 12 were given the water torture and died as a result. (Ex.
 13 1531 at p. 12958)

14 Sec 1 & 12 (b) 22 March 1944: Accused DOIHARA took over
 15 command of 7th Area Army. (Ex. 104 at p. 690)

16 Sec 1 & 12 (c) March or Apr. 1944: At Outram Road Gaol
 17 a Greek priest was kicked to death by one of the guards.
 18 (Ex. 1511 at p. 12912)

19 Sec. 1 & 12 (d) 26 May 1944: Some of the 56 civil in-
 20 ternees taken from Changi Civilian Camp in October 1943,
 21 were still undergoing torture at old YMCA Building, Singa-
 22 pore. (Ex. 1519 at p. 12935)

23 (2) POW and Internment Camps.

24 Sec 2(a),3,5(a)& (d) (a) Changi Civilian Internment
 25 Camp: In May 1944, the aerodrome upon which Ahangi POW

Camp parties had been working since 1942 was completed.

1 The 3000-4000 civil internees were then moved from Changi
2 Civilian Internment Camp (Changi Prison) to Sime Road
3 Camp and 5800 troops from Changi POW Camp and Roberts
4 Barracks moved in. The area was greatly over-crowded,
5 and accommodation was inadequate. Nine out of every 10
6 men were without boots and had to wear wooden clogs which
7 had been made in the camp. (Ex. 1517 at p. 12930) 220
8 patients from Roberts Barracks were housed in leaky huts
9 made of jungle material. Men had to lie on platform
10 without bedding or blankets, a span of 6 feet by 3 feet
11 being available for the purposes for each man. Medical
12 supplies and dressings were almost exhausted and the Japs
13 refused to supply any more. (Ex. 1516 at p. 12929)

14 Sec 3 & 5(a)(d) (b) Changi POW Camp: Food was still in-
15 sufficient and men had by this time lost one third of
16 their weight. In May 1944 just before camp was closed
17 approximately 300 men were in a make-shift malnutrition
18 ward. (Ex. 1517 at p. 12930)

19 (c) Roberts Barracks: Early in 1944 further parties had
20 returned to Roberts barracks from Burma-Thailand Railway.
21 They were in the same condition as those previously de-
22 scribed. All personnel shifted to Kranji or Changi Prison
23 in May 1944. (Ex. 1516 at p. 12929)

24 Sec 1.3.4(c)(f) & 5(a)(d) (d) Outram Road Gaol: For all
25

1 except the sick food and treatment improved for the first
 2 six weeks, then they reverted to former rations, 8 oz of
 3 rice, soup and three-quarters of a pint of water daily
 4 and to former ill treatment. (Ex. 1511 at p. 12912) 25
 5 percent to 33 percent of inmates were sick, they received
 6 no medical treatment but were occasionally visited by a
 7 doctor who decided whether to send them to Changi Hos-
 8 pital or not. (Ex. 1514 at p. 12927)

9 16. Solomon Islands.

10 Nil.

11 17. Sumatra.

12 (1) Principal Atrocities and Incidents.

13 Nil.

14 (2) POW and Internment Camps.

15 Sec 1.2(b)(e)3.4(a)&5(a) (a) Men's Civilian Camp -
 16 Palembang (Used for the internment of women): Same as
 17 previously described. In April, 1944, there was a change
 18 in the administration in the camp and the army took over
 19 from the civilian administration. All the POWs were
 20 forced to till the land to plant potatoes. Everyone had
 21 to go out on these working parties, but the sick were
 22 allowed to work shorter hours. There was no water in
 23 the camp other than that obtained from four wells, which
 24 were dry during the dry season. All the water for the
 25 camp and gardens, had to be carried about a quarter of a

1 mile down the road. Sanitary conditions were very bad
2 and completely inadequate. There were many instances of
3 face slapping and people being stood in the sun for hours.
4 One woman had several teeth knocked out. The cause of
5 deaths in this camp was mainly dysentery and malnutrition.
6 (Sister Bullwinkel p. 13469)

7 Sec 1,2(a)(b)(c)(d)(e)3,4(a)5(a) (b) Palembang City

8 Camp:- Conditions similar to those previously described
9 until April 44 when POW were shifted to Palembang Jungle
10 Camp Group. (Ringer 13562)

11 Sec 1,2(a)(b)(c)(d)(e)3,4(a)5(a) (c) Palembang Jungle

12 Camp Group:- Accommodation leaky attap huts, overcrowded
13 and vermin infested. Sanitation flooded trench latrines
14 no bedding or mosquito nets, although area infested with
15 malarial mosquitoes - attap huts for hospitals - no med-
16 ical equipment or supplies - Japs refused to allow
17 patients to be admitted to their own hospitals - malaria,
18 dysentery and tropical ulcers prevalent - only rags and
19 paper available for dressing ulcers although Japanese had
20 plenty of medical supplies, and equipment - rations from
21 300-500 grammes rice until May 44 and then dropped to
22 400 gramres for heavy workers, 250 grammes for light
23 workers and 150 grammes for sick. Sick ranged from 25
24 percent to 60 percent of camp - all POW including Officers
25 had to work for 7 hours daily in tropical sun - engaged

1 on military projects - sick compelled to work to fill up
2 quota - POW beaten at work. (Ringer 13562 - 13582).

3 General SAITO visited camp in April 44 but did not give
4 POW the opportunity to complain. (Ringer 13594)

5 Sec 1,2(a)(b)(c)(d)(e)3,4(a)5(a) (d) Pagan Baru -

6 Central Sumatra. Approximately 2,000 Dutch and British
7 POWs were confined in this camp. Surroundings were
8 filthy; accommodation and heavy labour started immediate-
9 ly. Little and poor food was provided. Labour consisted
10 of building a railway, under the guard of Japanese sold-
11 iers from the Burma railway gang, with the same heavy
12 driving conditions. Dysentery was unavoidable because
13 the men had been lodged in an overcrowded jail at Padang
14 in bad sanitary conditions, together with native coolies.
15 No medicine was supplied and no dressings, although large
16 stores were available. The number of sick POW rose and
17 the least sick had to work in the garden. 170 shipwrecked
18 POWs arrived in a bad condition and many died because of
19 bad care. The death rate was 80 and more per month but
20 forced labour was still increased. The Commander showed
21 no interest and there were several instances of brutality
22 and cruelty. Repeated appeals were made for improved
23 conditions, but they were unavailing. (Ex. 1769 at p.
24 13784)
25

18. Timor and Lesser Sunda Islands.

(1) Principal Atrocities and Incidents.

Nil

(2) POW and Internment Camps.

Sec 1 & 12 (a) Soemba: 30 Europeans interned in prison and 55 women and children interned in a 5 room house. All Europeans in prison thrashed from time to time by Japs. Money, food and other possessions of internees confiscated by Japs. (Ex. 1788 at p. 13834)

19. Wake Island, Kwajalein and Chichi Jima.

Nil

DIVISION 6. 1 JULY 1944 TO 31 DECEMBER 1944.

Indictment Ref.
to Appendix 'D'

Subject.1. Anbon Island Group.(1) Principal Atrocities and Incidents.

Sec 1,4(a)(b)&5(a) (a) - At Tan Toey POW alleged to have attempted to steal a pair of binoculars. Without trial he was beaten into unconsciousness 3 times with a stick handle by the Japs. After this treatment he was taken to hospital by his fellow prisoners but on the following day he was beaten out of hospital by the Japs and compelled to lie on a concrete floor with one blanket. He subsequently died. (Van Nooten p. 13978, Ex. 1822 at p. 14053)

Sec 1 & 4(a) (b) August 44: 3 airmen were beheaded without trial at Galalla POW Camp. (Ex. 1831 at p. 14065)

1 Sec 2(a)&(b) (c) Nov 44: POW engaged in delousing mine
2 were compelled to use metal hammer. Mine exploded kill-
3 ing 3 POW. (Van Nooten, p. 13965)

4 (2) POW and Internment Camps.

5 Sec 1,2(a)(b)(e)3,4(a)5(a) (a) Tan Toey Barracks. Con-
6 ditions differed from those previously described to the
7 following extent: This POW Camp being still unmarked
8 and having Jap gun sites therein was again bombed and de-
9 stroyed, 3 Australians being killed and other injured.
10 Sick POW had to rebuild camp from ~~scraps~~ resulting in re-
11 duced accommodation and greater overcrowding. Food re-
12 duced to 8 oz. of rice, in November no rice only 9 oz.
13 tapioca flour, in December 7½ oz. tapioca flour and 1½
14 oz. rice (van Nooten p. 13945). Men were in an indescrib-
15 ably low condition, many having lost 50% of their weight.
16 Many men died of starvation but POW doctors not allowed to
17 show this on medical certificate (van Nooten p. 13961-3).
18 Sick were beaten out to work in spite of fact that they
19 could only hobble along on crutches (van Nooten p. 13968).
20 Work became more arduous and POW were compelled to carry
21 huge loads over 8 mile of jungle country. 60% of men en-
22 gaged on this work died. (van Nooten p. 13968, Ex. 1823,
23 at p. 14054)

24 Sec 1,2(a)(b)(c)(e)3,5(a) (b) Harochoe Island POW Camp:
25 Conditions as previously described. Camp evacuated in

1 August 1944 by which time 386 had died of malnutrition,
2 disease and ill-treatment. (Ex. 1825 at p. 14056).

3 Sec 1,2(a)(b)(c)(d)(e)3,5(a) (c) Liang POW Camp: Con-
4 ditions as previously described. Major ANAMI, Commander
5 of all POW Camps on Ambon Island personally took part in
6 beating prisoners. (Ex. 1827 at p. 14059)

7 Sec 1,2(a)(e)3,5(a) (d) Lahat POW Camp: Accommodation
8 provided for POW Cariving in August 1944 consisted of huts
9 some of which contained rotting corpses of previous oc-
10 cupants. Remainder of camp already overcrowded, 4000
11 POW having 12 sq. ft. per man. Daily ration 150 grams
12 of rice. No medical supplies issued. High sickness and
13 death rate among POW. Officers and men made to work
14 principally on loading ships and constructing trenches for
15 Japs. POW beaten. (Ex. 1826 at p. 14057)

16 2. Andaman and Nicobar Islands.

17 (1) Principal Atrocities and Incidents.

18 Sec 1 & 12 (a) Oct. 44. Andaman - Indian beaten and tort-
19 ured for 16 days in an endeavour to make him confess to a
20 charge of receiving signal lamps. (Ex. 1615 at p. 13190)

21 (2) POW and Internment Camps.

22 Nil.

23 3. Borneo.

24 (1) Principal Atrocities and Incidents.

25 Sec 1,3,4(a)(b) (a) Aug. to Dec. 44. At Sandakan Pte.

1 Botterill spent two periods of 12 and 20 days respective-
2 ly in the "cage". Given no food at all for the first 7
3 days of each period; received a drink of water only every
4 other third day. The remainder of the time he received
5 half the ordinary ration. He was beaten many times, de-
6 prived of clothes except for a "G"-string, and was pro-
7 vided with no blankets. On the second occasion there
8 were 17 others in the cage with him and there was no
9 room to lie down. (Ex. 1668 at p. 13420)

10 Sec 1,4(a)(b) (b) Dec. 44. At Sandakan Pte. Tyrell and
11 4 others were sentenced to the cage for the duration of
12 the war as punishment for obtaining extra food. All 5
13 subsequently died. (Ex. 1668 at p. 13420)

14 Sec 1,4(a)(b) (c) Early Dec. 44. At Sandakan Pte. Barber
15 died as a result after 2 weeks in the "cage" as a result
16 of ill-treatment and exposure. (Ex. 1668 at p. 13420)

17 Sec 1 & 12 (d) Aug. 44. At Singkawang, 120 Chinese of
18 whom only 17 were tried, were executed for conspiracy.
19 The 17 had been tortured and had signed confessions before
20 the trial. (Ex. 1698 at p. 13520)

21 (2) POW and Internment Camps.

22 Sec 1,3,4(a) & 5(a) (a) Tarakan Camp. Conditions con-
23 tinued as previously described. Prisoners exposed to
24 Allied air attacks which began in November 1944. After
25 the first air attack treatment of prisoners, particularly

of Europeans, became worse. (Ex. 1686 at p. 13495)

1 Sec 1,3,4(a)&5(a) (b) Balikparen Camp. Conditions as
2 previously described. (Ex. 1691 at p. 13504)

3 Sec 1,2(a)(b)(d)(e)3,4(a)(c)&5(a) (c) Kuching Camp. Con-
4 ditions as previously described. (Ex. 1673,1674 at pp.
5 13446-8)

6 Sec 1,2(d)3,5(a)&(d) (d) Kuala Belat Camp. Conditions as
7 previously described. (Ex. 1655,1656 at pp. 13312-3)

8 Sec 1,2(a)(b)(c)(d)(e),3,4(a)(c)(f),5(a) (e) Sandakan
9 Camp. Conditions continued to be bad and by the end of
10 1944 rations had been greatly reduced to 4 oz. of rice plus
11 a small quantity of tapioca, sweet potatoes, and occasion-
12 ally greens. From the end of 1944 men died at the rate
13 of 7 per day from ulcers, beri beri and dysentery. A
14 total of 400 had died by Feb. 1945. (Ex. 1668 at p. 13420)

16 4. Burma and Siam.

17 (1) Principal Atrocities and Incidents.

18 Sec 12 Aug. 44. Burmese beaten and killed by Japanese at
19 Naungkko for denying knowledge of British troops in area.
20 (Ex. 1548 at p. 12976).

21 (2) POW and Internment Camps.

22 Sec 1,3&5(a) (a) Tavoy Internment Camp. Internees beat-
23 on - food was bad - internees ate dogs, rats and snakes -
24 90 percent suffered from beri beri, pellagra and other
25 forms of malnutrition. (Ex. 1555,1557,1558 at pp 12991-4)

1 Sec 1,2(a)(b)(d)3,5(a) (b) Tamarkan Camp. POW suffering
 2 from fever, dysentery and malnutrition - deaths at rate of
 3 2 per day during one month - sick were compelled to work
 4 on railway maintenance. POW were kicked and beaten at
 5 work - drugs not supplied to cure sick. (Lloyd p. 13037-
 6 8 and Ex. 1563 at p. 13058 and Ex. 1572 at p. 13081)

7 Sec 1,3,4(c)&5(a) (c) Nakompaton. Slight improvement
 8 from July 44 when a large Red Cross consignment arrived
 9 including hospital equipment and drugs, otherwise con-
 10 ditions same as previously described. Sept. 44 an un-
 11 marked POW Camp on railway at Mom Pladuk 17 miles away,
 12 was bombed and 100 POW were killed and over 100 wounded.
 13 Japs refused to allow medical personnel from Nakompaton
 14 to go to assistance. In Dec. 44 POW were mass punished
 15 by being made to parade for 36 hours on account of escape
 16 of one out of 7000 - patients were laid out in the open
 17 for the whole night. (Coates p. 11440-1)

18 5. The Celebes and Surrounding Islands.

19 (1) Principal Atrocities and Incidents.

20 Sec 1,4(a)(b) (a) Sept. 44. At Tomohon, near Manado,
 21 two American airmen were executed without trial or court
 22 martial. (Ex. 1798 at p. 13846)

23 Sec 1 & 12 (b) Sept. 44. At Soegi, Morotai, 3 natives
 24 were beheaded without trial. A fourth native whom the
 25 Japs attempted to execute at the same time, lived and

escaped. (Ex. 1816 at p. 13927)

1 Sec 1,4(a)(b) (c) Oct. 44. At Toli-Toli, South West
2 Celebes, 8 American POW airmen were beheaded. (Ex.
3 1799 at p. 13852)

4 Sec 1,4(a)(b) (d) Nov. 44. At Kendari, South East
5 Celebes, 9 American POW airmen were executed by order
6 of Admiral OSUGI. (Ex. 1800 at p. 13852)

7 (2) POW and Internment Camps.

8 Sec 1,2(a)(b)(c)(d)(e)3,4(a)(c)5(a)(d)&8(e) (a) Macassar
9 POW Camp. Conditions as previously described. (Ex.
10 1804,1805 at pp 13866-7)

11 Sec 1,3,4(a)(b)5(a)(d)& 12 (b) Peling Internment Camp.
12 Same conditions as previously described. Work was heavy
13 and food insufficient. Many of the men became sick and
14 died from starvation, malaria, etc. - they received no
15 treatment. The Japanese doctor gave the internees no
16 medicines or treatment, and the only times he came
17 through the camp it was to buy watches from the internees.
18 The sick were put in the nearby gaol where they died
19 from starvation and illness. Of 150 internees, 68 died,
20 5 killed by bombing. (Ex. 1804, 1805 at pp 13866-7 and
21 Ex. 1810 at p. 13920)

22 Sec 1,3,4(a)&5(a) (c) Military Prison, Manado. Con-
23 ditions as previously described. (Ex. 1813 at p. 13923)

24 Sec 1 & 12 (d) Pare-Pare Internment Camp, S.W.Celebes.
25

Same conditions as previously described. In October 1944
1 the camp was destroyed by an Allied air raid and the
2 camp was moved to Bodjoe, 4 miles away. (Ex. 1811 at
3 p. 13921)

4 Sec 1 & 12 (e) Bodjoe Camp, S.W.Celebes. The internees
5 lived in cowsheds and pigsties. Sanitary conditions were
6 extremely bad. In November 1944 a dysentery epidemic
7 broke out and of the 600 internees, 400 were suffering
8 from dysentery and 25 died from it. Food was insuffic-
9 ient - no meat, and vegetables had to be smuggled in.
10 (Ex. 1811 at p. 13921)

11 Sec 5(a) (f) Tijku POW Camp, Halmaheiras. Medical
12 supplies and medical treatment withheld. (Ex. 1806 at
13 p. 13875)

14 Sec 3,5(a)(d) (g) Teragan POW Camp, Halmaheiras. Food
15 was insufficient. About two-thirds of the POW had no
16 footwear and had to work bare-footed; as a result they
17 contracted sores which spread quickly and often resulted
18 in permanent disability and some deaths. Many con-
19 tracted beri beri and suffered from general debility-
20 some died from it. No Indian was permitted to go to
21 hospital however sick he was. (Ex. 1806 at p. 13875)

22 Sec 1 & 12 (h) Menado Civil Gaol. 150 internees were
23 put in this gaol on 10 Sept. 44; they received no water
24 or food for 3 days, and thereafter only a little food.
25

1 Some died from dysentery and lack of food. On 24 Oct. 44
2 all but the very sick were moved out. Most of the 16
3 sick internees left in the gaol died. (Ex. 1810 at p.
4 13920)

5 6. China other than Hong Kong.

6 (1) Principal Atrocities and Incidents.

7 Sec 1,4(a)(b) At Hankow, 3 captured airmen were marched
8 through the streets with their hands tied behind their
9 backs, severely beaten, and then covered with gasoline
10 and burned to death. (Ex. 1891 at p. 14162)

11 (2) POW and Internment Camps.

12 Sec 1,3,4(a)5(a),8(a)&12 (a) Bridge House, Shanghai.

13 Conditions as previously described continued to exist.
14 (Ex. 1893 at p. 14165 and Ex. 1900, 1901 at pp 14178-9)

15 Sec 2(a),3,5(a) (b) Mukden Prison Camp. Conditions as
16 previously described. The camp was still not marked as a
17 POW camp, and on 7 December 1944 in a B-29 raid, 19 POW
18 were killed and 30 seriously injured. (Ex. 1905-1906 at
19 pp 14187-8 and Ex. 1912,1913 at pp 14192-3)

20 Sec 3,4(a),5(a)&12 (c) Haiphong Road Camp. Conditions
21 as previously described. (Ex. 1893 at p. 14165)

22 Sec 3,5(a) (d) Camp "C", Yangchow. Same conditions as
23 previously described. (Ex. 1893 at p. 14165)

24 Sec 3,5(a) (d) Pootung Internment Camp. Conditions as
25 previously described. During this winter no heat at all

1 supplied, thought temperature was as low as 20 degrees F.
2 Food ration continued to decrease until below standard
3 necessary to maintain health. Prisoners received no
4 breakfast and the other meals were inadequate. (Ex. 1893
5 at p. 14165, Ex. 1904 at p. 14186, and Ex. 1908 at
6 p. 14189)

7 Sec 2(a), 3, 5(a), 8(e) (f) Kiang Wan Prison Camp. Con-
8 ditions as previously described. Americans received
9 smaller ration than other prisoners. POW suffered from
10 bad skin infections. No medical attention. No clothing
11 issued. Sanitary facilities very bad. (Ex. 1900 at
12 p. 14178, Ex. 1907 at p. 14188, Ex. 1909 at p. 14190 and
13 Ex. 1915 at p. 14195)

14 Sec 4(d) (g) Ward Road Gaol. In October 44 an American
15 POW escaped, was recaptured and sentenced to life im-
16 prisonment. (Ex. 1908 at p. 14189)

17 Sec 1, 3, 4(a) (h) Chungcheateh Camp, Manchuria. Accommod-
18 ation overcrowded and dirty. Beatings occurred. However,
19 conditions were not as bad as in other camps. (Brig.
20 Blackburn p. 11599)

21 DEFENCE EVIDENCE re para. (b) MUKDEN - Red Cross Inspect-
22 ion 6 Dec. 44 hygiene satisfactory - air raid precautions
23 taken - same quantity of rations to POW as to Guard -
24 medical treatment and equipment satisfactory - recrea-
25 tion facilities available. (Ex. B136 at p. 27717)

7. Formosa.(1) Principal Atrocities and Incidents.

Nil.

(2) POW and Internment Camps.Sec 1,2(b)(d)(e),3,4(a),5(a)(d),6(c) (a) Karenko POW Camp.

Conditions as previously described. (Ex. 1629 at p. 13208)

Sec 1,2(a)(b)(d)(e),3,4(a)&5(a) (b) Kinkaseki POW Camp.

Conditions as previously described. (Ex. 1620 at p. 13196 and Ex. 1631 at p. 13224)

Sec 1,4(a) (c) Camp Haito. The prisoners were illtreated.

Some were thrown into the water trough, their heads held under water by order of the camp commander; they were then stipped and beaten. A number of men in this camp died of brainfever. (Ex. 1632 at p. 13226)

8. French Indo-China.(1) Principal Atrocities and Incidents.

Sec 1 & 12 A radio detection finder of the Kampai Tai

detected waves sent out by a secret sending station.

After about 45 days all of the members of the net were

known and arrests were made. Thirty were arrested and 15

were released and the remaining 15 sent to the Saigon

Kempai Tai. By submitting to torture these 15 confessed

that the station had been in direct communication with

Chungking. The 15 Chinese were condemned to death by a

1 Tribunal of Japanese Kempai Tai and were executed. Three
2 were women. (Ex. 2140 at p. 15350)

3 (2) POW and Internment Camps.

4 Nil.

5 9. Hainan Island.

6 (1) Principal Atrocities and Events.

7 Nil.

8 (2) POW and Internment Camps.

9 Sec 1,2(a)(b)(c)(d)(e),3,4(a),&5(a) (a) POW Camp. Con-
10 ditions as previously described except that rice ration
11 had fallen to 200 grams and issue of meat and vegetables
12 ceased. (Ex. 1625 at p. 13203)

13 Sec 1 & 12 (b) Coolie Camp - As previously described.
14 (Ex. 1625 at p. 13203)

15 10. Hong Kong.

16 (1) Principal Atrocities and Incidents.

17 Nil.

18 (2) POW and Internment Camps.

19 Sec 1,2(a)(b)(c)(d)(e),3,5(a)(d),8(d)(e) (a) Shamshuipo
20 Camp. Conditions as previously described. A Red Cross
21 representative, Mr. ZINDEL, visited the camp in August
22 1944. The OR's were forced to go out and indulge in
23 sports during his visit. An officer of the Hong Kong
24 Naval Volunteers was beaten about the head with a sheathed
25 sword until he became unconscious, because he complained

1 of the lack of food to the Red Cross representative.
2 (Barnett p. 13137-13142 Ex. 1603, 1604, 1606 at pp.
3 13177-81)

4 11. Japan.

5 (1) Principal Atrocities and Incidents.

6 Sec 1,4(a) (a) Dec. 44. At Kobe No. 3 Camp, a prisoner
7 was stripped naked in front of the guard-room and severely
8 ly beaten with fists, rifle butts and wooden swords. He
9 was then put in the guard-room with no clothes and only
10 one blanket - average temperature at this time was 20
11 degrees below zero. He was taken out and beaten daily
12 for 19 days, after which he went mad and died. (Ex. 1931
13 at p. 14231, and Ex. 1937 at p. 14239)

14 Sec 1,4(a),5(a) (b) About Dec. 44. At Ofuna Naval Pri-
15 son an American pilot was beaten so brutally that he
16 became paralysed from the hips down. The Japanese con-
17 tinued to beat him and he died after about a week of this
18 treatment. (Ex. 1934 at p. 14235)

19 (2) POW and Internment Camps.

20 Sec 1,2(a)(c)3,4(a)(c),&5(a) (a) H.Q. Prison Camp, Osaka.
21 Conditions as previously described. (Ex. 1936 at p.
22 14236)

23 Sec 2(a)&(e) (b) Camp D1, Yokohama. Conditions as pre-
24 viously described. (Ex. 1942 at p. 14246)

25 Sec 1,2(a)(b)(d)(e)3,&5(a) (c) Umeda Bunsho POW Camp.

1 Osaka. Conditions as previously described. (Ex. 1946
2 1947 at pp. 14251-2)

3 Sec 1,2(b)(e),3,4(a)&5(a) (d) Camp 4, Fukuoka. Con-
4 ditions as previously described. During an epidemic of
5 mumps in December 1944, the sick had to continue to go to
6 work. (Ex. 1951 at p. 14257)

7 Sec 1,3,4(a)(c),5(a)(d),8(a) (e) Camp 5D, Kawasaki. Con-
8 ditions as previously described. (Ex. 1926 at p. 14223)

9 Sec 1,2(a)(b)(c)(d)(e),3,4(a),5(a)(d) (f) Camp 1, Hako-
10 date. Conditions as previously described. (Ex. 1920
11 at p. 14203)

12 Sec 1,2(b)(d)(e),3,4(a),5(a)(d) (g) Camp 3, Kobe. Con-
13 ditions as previously described. (Ex. 1931 at p. 14231
14 and Ex. 1937 at p. 14239)

15 Sec 1,2(b)(d)(e),3,&4(a) (h) Camp 17, Fukuoka. Con-
16 ditions as previously described. The Allied Senior Med-
17 ical Officer was confined in the guardhouse from Oct. 12
18 to 18, for writing to the Japanese doctor complaining of
19 sick men being forced to work in the mine. (Ex. 1917 at
20 p. 14197 and Ex. 1929 at p. 14229)

21 Sec 1 & 4(a) (i) Kamioka POW Camp. Conditions as pre-
22 viously described. (Ex. 1927 at p. 14224)

23 Sec 1,2(b)(d)(e),3,4(a),5(a),8(e) (j) Camp 4B, Naoetsu.
24 Conditions as previously described. Between Dec. 42 and
25 Aug. 44 there were 60 deaths, caused by ill-treatment and

lack of food. Prince TOKUGAWA visited the camp at one
1 time. (Chisholm p. 14272,14276)

2 Sec 1,3,4(a)(c),5(a)&8(a) (k) Ofuna Naval Prison. Food
3 insufficient. Beatings a common occurrence; mass beatings
4 also occurred. No heat during the winter and snow drift-
5 ed in through cracks in the walls. Red Cross parcels
6 were stolen by the Japanese. Several airmen died as a
7 direct result of ill-treatment. (Ex. 1934 at p. 14235)

8 Sec 1,3,4(a)(b) (l) Yokkaichi POW Camp. Excessive and
9 illegal punishment for minor infractions. Several POW
10 were strung up on ladders so that their feet could not
11 touch the ground, and made to stay in that position for
12 three or four hours at a time for several days. Some-
13 times weights were placed on their feet. While in that
14 position they were beaten and salt was generally thrown
15 into the open cuts. During this treatment they were
16 given no food. (Ex. 1938 at p. 14240)

17 Sec 1,2(a)(b),4(a),5(a),6(a) (m) Hirohata Prison Camp.
18 Beatings were commonplace, many being so severe as to
19 result in physical disability. About the end of August
20 1944 a prisoner who failed to salute a Japanese was knock-
21 ed down, given 40 to 50 strokes, given the water cure for
22 about an hour, and then beaten into unconsciousness. He
23 was forced to work the next day. POW were compelled to
24 work on military operations. At no time during air raids
25

1 were prisoners given the opportunity to seek shelter.
 2 Public exhibition and exposure to ridicule of POW a
 3 common occurrence. (Ex. 1939 at p. 14242)

4 Sec 4(c) (n) Camp 3, Fukuoka. Collective punishment was
 5 often inflicted on groups of POW with the full knowledge
 6 of the Japanese officer in charge of the camp. Protests
 7 were ignored. (Ex. 1940 at p. 14243)

8 Sec 5(a) (o) Sendeyu POW Camp. Japanese medical officer
 9 a S/Sgt. - refused to allow the Allied doctor to give
 10 medical attention to the sick. (Ex. 1949 at p. 14254)

11 12. Java.

12 (1) Principal Atrocities and Incidents.

13 Sec 1 12 Dec 44. Capt. Wernick, after being severely
 14 tortured by the Kempei Tai was beheaded with 13 others at
 15 Antjol. They had been sentenced by Court Martial, Bata-
 16 via. (Ex. 1751, at p. 13685)

17 (2) POW and Internment Camps.

18 Sec 1,8(e)& 12 (a) No. 5 Tjimaki Camp. Conditions same
 19 as previously described. Red Cross parcels were distrib-
 20 uted, after which the Japanese had stolen part and after
 21 ordering all the tins and containers to be emptied im-
 22 mediately. The Kempei Tai would often visit the camp.
 23 When the victims of the Kempei Tai returned to the camp
 24 they would be physical wrecks. Several people did not
 25 return and were later reported to have died. (Ex. 1720

at p. 13644)

1 Sec 1 & 12 (b) Thihapit - Women Internees Camp. Accom-
2 modation was reasonably sufficient until Dec. 44. Food
3 was always insufficient. Women and children were forced
4 to work - some of which was extra heavy work. After the
5 command of the camp was changed in Sept./Oct. there were
6 many beatings administered by the Japanese. On one oc-
7 casion a Mr. Leeman was kicked in the abdomen by a Jap-
8 anese guard and died on his way to the hospital. (Ex.
9 1722 at p. 13646)

11 Sec 1 & 12 (c) Banjoebiroe Camp 10. Continual lack of
12 food. As a result of this there was a lot of smuggling
13 between internees and HEIHO Guards. Because of the
14 smuggling a mass punishment was inflicted on 150 women.
15 The guards, at the direction of the Camp Commander,
16 thrashed the women with whips and fists and after this
17 100 of the 150 were given 50 blows with a leather whip
18 by the Japanese. (Ex. 1723 at p. 13648)

19 Sec 1 & 12 (d) Karang Panas Internment Camp. Feb. 44 to
20 Nov. 44 - Camp overcrowded with men, women and children -
21 40 centimetres width per person - internees compelled to
22 to work 6 hours a day and then do their own camp fatigues -
23 work very heavy - internees kicked and beaten - food 270
24 grams of rice and 180 grams of flour daily. No adequate
25 medical attention - Japs sought to check infantile para-

lysis outbreak by compelling old men to live in the same quarters with women. (Ex. 1724 at p. 13650)

Sec 1 & 12 (e) Lempersarie Camp. Women's Internment

Camp. Women and young children transferred here from Karang Panas in Nov 44 - 8000 crowded into accommodation intended for 3000 - internees compelled to work long hours at heavy work - internees were thrashed - collective punishment such as deprivation of food was inflicted for individual offences - Kempei Tai visited camp to inflict punishments. (Ex. 1724 at p. 13650)

Sec 1 & 12 (f) Bandoeng - Police Headquarters. Men, women and children held for interrogation - daily ration 120 grams dry rice - cells were grossly overcrowded, occupants not having space to lie down. Eventually relations of prisoners were able to make payments for food to the authorities, but the ration was still insufficient. Sanitation was appalling, resulting in many cases of dysentery. The prisoners were subjected to cruel punishments which included floggings, electric current being passed through the body, suffocation by immersion in water, which often resulted in unconsciousness. Men would be kept standing for four days and nights without food and drink, and thrashed every three or four days. Putting cigarettes and cigars on all parts of the body was also a very common form of punishment. Prisoners died from ill-

1 treatment received during interrogation. (Ex. 1752 at
2 p. 13687)

3 Sec 1 & 12 (g) Bantjeng Prison. Cells here were over-
4 crowded, 35 being accommodated in cell built for 13, and
5 for a time prisoners had to sleep on the cement floor.
6 Hygienic conditions were abominable, drinking water came
7 from a hole in which dysentery cases bathed. Many pri-
8 soners were infected with bacilliary dysentery. Medical
9 supplies were totally inadequate and the sick ward was
10 filthy and new patients brought in were promptly infected
11 with dysentery. The food situation was so bad that phy-
12 sically strong and healthy prisoners, soon look emaciated
13 and finally died of hunger, sometimes in as short a time
14 as 1½ to 2 months - 750 calories a day. Prisoners com-
15 pelled to work for 6 hours daily in the sun. Prisoners
16 were interrogated and tortured, similar to those des-
17 cribed at Bandoeng Police Headquarters, inflicted. (Ex.
18 1752 at p. 13687)

19 13. New Britain.

20 (1) Principal Atrocities and Incidents.

21 Sec 1,4(a),5(a) (a) 26 July 44: A Chinese soldier was
22 clubbed to death at Rabaul because he was too ill to work.
23 (Ex. 1863 at p. 14120)

24 Sec 1,3,4(a),5(a) (b) July 44. A N.Z. Airman, POW, died
25 as the result of malnutrition and dysentery. After being

shot down he was cruelly ill-treated. He had been bound
 1 by ropes to which fish hooks had been attached in such a
 2 way that whenever he moved his head, the fish hooks would
 3 pierce his face. (Ex. 1866 at p. 14123)

4 Sec 1,3,4(a) (c) Nov. 44. An Indian work party of 35
 5 were at Nishizakiyama. They were starved and two, for
 6 allegedly stealing rice, were taken away by the Japanese
 7 and executed without trial. (Ex. 1870 at p. 14127)

8 Sec 1,4(a) (d) Nov. 44. A USA plane was forced down in
 9 the Totabil Area. The pilot was captured by the Japanese
 10 and beheaded $\frac{1}{2}$ an hour later. Some flesh was cut from the
 11 body and later eaten by about 150 Japanese, mostly offi-
 12 cers. (Ex. 1873 at p. 14129)

13
 14 (2) POW and Internment Camps.

15 Rabaul.

16 Sec 1,3,4(a),5(a) Conditions similar to those previously
 17 described. (Ex. 1865 at p. 14121)

18 14. New Guinea.

19 (1) Principal Atrocities and Incidents.

20 Sec 1,4(a) (a) Dec. 44. At Ranimboa an Indian officer
 21 and NCO complained that a Japanese had taken things from
 22 them. The Indians had their hands tied, were taken into
 23 the bush and shot. (Ex. 1842,1843 at pp 14092-3)

24 Sec 1,4(a)(b) (b) Oct. 44. Two American POW were execut-
 25 ed by the Japanese. This was done on the orders of Capt.

1 Ono, because the Americans had bombed his battery. (Ex.
2 1846 at p. 14096)

3 Sec 1,4(a) (c) July 44. On Noemfoor Island, 17 Indone-
4 sians were tied and bayoneted by the Japanese. Two es-
5 caped and at least 14 of the remainder were killed. (Ex.
6 1849 at p. 14101)

7 15. Singapore and Malaya.

8 (1) Principal Atrocities and Incidents.

9 Nil.

10 (2) POW and Internment Camps.

11 Sec 2(a)(b)(e),3,5(a)(d) (a) Changi Gaol. (Formerly
12 Civilian Internment Camp) Food ration greatly reduced
13 finally resulting in gross emaciation and tremendous in-
14 crease in sickness rate. Failure of Japs to supply cloth-
15 ing to replace worn out clothing together with lack of
16 reasonable food gave rise to an outbreak of pellagra.
17 Sick were placed on half rations. On account of numbers
18 of men required by Japs for working parties, sick men had
19 to be employed on camp work. (Ex. 1516, 1517 at pp
20 12929-30)

21 Sec 1,3,4(a)(c)(f),5(a)(d) (b) Outram Road Gaol. Pre-
22 viously described conditions continued. (Ex. 1511 at p.
23 12912)
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25 16. Solomons, Gilberts, Nauru and Ocean Islands.

(1) Principal Atrocities and Incidents.

1 Sec 1.4(a) At Bougainville 9 Ambonese POW were shot with-
2 out trial because they were alleged to have stolen food
3 from a food go-down. (Ex. 1876 at p. 14132)

4 (2) POW and Internment Camps.

5 Nil.

6 17. Sumatra.

7 (1) Principal Atrocities and Incidents.

8 Sec 1 & 12 July 44. At Tandjong Karong, South Sumatra,
9 a 60 year old Meester Cornelis, was tortured and beaten
10 by the Japanese because he was suspected of espionage.
11 The Kempei Tai officers of the prison condoned the ill-
12 treatment and tortures. (Ex. 1776 at p. 13813)

13 (2) POW and Internment Camps.

14 Sec 1.3.5(a)(d) (a) Banka Island. In Oct. 44 about 450
15 weakened people were moved from the Men's Civilian Camp,
16 Palembang, to this camp. The camp was a new one and was
17 made up of large bamboo and attap huts. It was situated
18 in a malarial area and a fever known as Banka Island
19 fever was very prevalent. From these two diseases there
20 were over 150 deaths in a period of six months. The work
21 consisted of looking after the sick and digging graves.
22 There were always 75 percent of the camp sick. The only
23 medical supplies issued was an inadequate supply of
24 quinine bark. Food was a small ration of rice with a
25 little vegetables, and on some occasions some bad fish.

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1 About 200 other women later came into this camp at
2 Bencoll'len. (Sister Bullwinkel p. 13471)

3 Sec 1,2(a)(b)(c)(d)(e),3,4(a),5(a) (b) Palembang Jungle
4 Camp Group. Conditions same as previously described.
5 (Ringer p. 12579)

6 Sec 1,2(a)(b)(d)(e),3,4(a),5(a) (c) Pakan Baru - Central
7 Sumatra. Conditions same as previously described. The
8 general situation rapidly deteriorated and again repeated
9 requests were made for improvement but all were refused.
10 In June the Japanese ordered that the Railway be finished
11 by August 15th and every available men was sent to work.
12 Medical parades were held and the men forced to go out.
13 The health of the men deteriorated and the whole group
14 was exhausted and depressed. Supervision by the Kempei
15 Tai was increased and all sorts of disciplinary pressure
16 was brought to bear. (Ex. 1769 at p. 13784)

17 Sec 1 & 12 (d) Brastagi, North Sumatra. The supply of
18 food in this camp was extremely bad and for 2½ months they
19 had neither sugar nor fat. An official ration was laid
20 down by the Japanese which was 200 grams rice for grown-
21 ups; children 100. Vegetables 50 grams per head daily.
22 In reality they only received 140 grams for grown-ups, 80
23 for children and 20 grams of vegetables. Complaints,
24 were continually addressed to the Japanese. The two fe-
25 male camp managers made these repeated complaints but with

1 no result. They told the Japanese that they could not pre-
2 vent the women from breaking out unless the food ration
3 was increased. 386 women left the camp of 25 Nov. and
4 this resulted in the manager and some other internees
5 being taken to the penitentiary at Kaban Djahe. They
6 were housed in filthy cells with very little food and no
7 water. They were tortured and beaten for days and fin-
8 ally taken back to the camp. (Ex. 1772 at p. 13796)

9 Sec 1 & 12 (e) Si Rengo Internment Camp. Accommodation
10 overcrowded. Huts badly constructed and after first
11 heavy rain seven out of the nine had to be propped. Sani-
12 tation was unsatisfactory - 20 latrines for 2,000 people;
13 water supply insufficient. No medical instruments were
14 provided, and medical supplies were scarce. Malaria,
15 dysentery, tropical ulcers, were prevalent. At one time
16 only 500 grams of quinine were provided for 600 malaria
17 patients and this was supposed to last 2 months. No drugs
18 whatever were provided for dysentery patients. Red Cross
19 medicine was supplied only once and in insignificant
20 quantities. Old rags were used for dressings, also a kind
21 of rag made from banana trees. The death rate was about
22 6.8 per cent - 123 deaths. (Leenheer p. 13756)

24 18. Timor and Lesser Sunda Islands.

25 (1) Principal Atrocities and Incidents.

Sec 1 & 12 Maj. General TANAKA ordered punitive action

against islanders of Loeang and Sulmata. In course of
 1 this the Radja was executed without trial because he would
 2 not reveal the whereabouts of his son Yoos. Later Yoos
 3 's arrested and executed. 34 natives executed on Moa
 4 Island. (Ex. 1793,1794 at pp 13838-41)

5 (2) POW and Internment Camps.

6 Nil.

7 19. Wake Island, Kwajalein and Chichi Jima.

8 Nil.

9 DIVISION 7 - 1st JANUARY TO SURRENDER.

10 1. Ambon Island Group.

11 (1) Principal Atrocities and Incidents.

12 Sec 1 (a) April 45: 9 Groups of 10 prisoners each at Tan
 13 Toey were given experimental injections by Japanese for
 14 one month. 50 died during experiment. (Van Nooten 13962)

15 Sec 1.4(a)(b) (b) April 45: Two prisoners escaped from
 16 Tan Toey and were recaptured. One was beheaded, the other
 17 one died the day after recapture. (Van Nooten 13979)

18 Sec 1.4(a)(b) (c) April 45: 4 POW at Tan Toey beheaded
 19 upon admitting they had taken food from a Jap ration store.
 20 (Van Nooten 13980)

21 Sec 1.4(a)(b) (d) July 45: POW broke out of solitary con-
 22 finement where he had been placed as punishment for offence.
 23 He was executed for breaking out. (Van Nooten 13984)

24 (2) POW and Internment Camp.

Sec 1,2(a)(b)&(e),3,4(a),5(a) (a) Tan Toey Barracks:

1 Conditions similar to those previously described except
2 that food fell to 4ozs. rice and 4 ozs. sweet potatoes
3 daily. 2/3rd of camp reduced to wearing clogs. Beatings
4 of POW had become a daily occurrence, 42 POW died in May,
5 72 in June, 94 in July. (Van Nooten 13945-73)

6
7 2. Andaman and Nicobar Islands.

8 (1) Principal Atrocities and Incidents.

9 Sec 1 & 12 (a) July 1945: Andaman - 2 coolies beaten
10 to death for allegedly stealing. (Ex. 1617,1618,1619
11 at pp 13193-13196)

12 Sec 1 & 12 (b) July 1945: Nicobar - 2 Indians beaten
13 to death to compel them to confess having fired rockets.
14 (Ex. 1620, 1621 at pp 13196-8)

15 Sec 1 & 12 (c) July 1945: Nicobar - Rev. J. Richardson
16 informed by Japanese that if Allies landed all the in-
17 habitants would be killed as they were pro-English.
18 Daily a number of sick Nicobarese and Indians were exe-
19 cuted. (Ex. 1622 at p. 13199)

20 Sec 1 & 12 (d) August 1945: Andaman - Between 700 and
21 800 Indians taken by sea towards another island. When
22 400 yards from shore they were forced overboard. All
23 except 203 drowned. The remainder were left on the is-
24 land without food for 50 days when Japanese returned. At
25 that time only one Indian had survived. (Ex. 1614 at

p. 13189)

3. Borneo.

(1) Principal Atrocities and Incidents.

Sec 1,4(a)(b) (a) Early 1945: At Ranau Pte. Marray, an Australian was bayoneted to death without trial as punishment for stealing food. (Ex. 1668 at p. 13420)

Sec 1,3,4(a) (b) 23 Jan. to 8 June 1945: 115 European POW left Labuan for Kuching on 23 January, 7 Indians being added to the party on the way. By 8 June 1945 only 48 remained alive. The remainder had been executed without trial or had died of ill treatment, or starvation. (Ex. 1658 at p. 13316)

Sec 1,4(a)(d) (c) March 1945: At Ranau 2 Australian soldiers attempted to escape, were recaptured and tied up in the open for 2 weeks, and were beaten and tortured. One, Cleary, had no clothes and had a chain around his neck. He died within minutes of his release. ~~Neither~~ was tried. (Ex. 1668 at p. 13420)

Sec 1,3,4(a)(b),5(a)(d)(f) (d) 28 January 1945: The first ~~ndakan~~ to Ranau Death March (Approx. 165 miles) started and lasted 17 days. Food was scarce; those too weak to carry on were shot. Of 470 POW about 24 reached Ranau, but only 6 ~~ertr~~ alive by the end of June, the remainder having died or been killed without trial. (Sticpewich pp 13361-2,13375 and Ex. 1668 at p. 13420)

1 Sec 1,3,4(a)(b),5(a)(d) & (f) (e) 29 May 1945: The
 2 second Sandakan to Ranau Death March started and lasted
 3 26 days. Of 536 POW the majority of whom were hospital
 4 cases, only 183 survived the march. Those too sick to
 5 walk, numbering 291, were left behind and never seen
 6 again. Those who dropped out en route were murdered by
 7 the Japanese. (Ex. 1668,1670,1671,1672 at pp 13420-45
 8 and Sticpewich 13363-73,13385)

9 Sec 1,4(a) (f) 16 June 1945: 65 Indians at Kuala Belat
 10 were beheaded or bayoneted and their bodies burnt. They
 11 were not charged or tried. (Ex. 1655-6 at pp 13312-3)

12 Sec 1,4(a) (g) June 1945: 5 Indians were tied together,
 13 beheaded and thrown into a stream near Lutong Camp.
 14 (Ex. 1657 at p. 13314)

15 Sec 1,4(a) (h) 10 June 1945: At the 5½ mile Riam Road,
 16 a party of 32 POW were ruthlessly shot and bayoneted by
 17 the guards. (Ex. 1658 at p 13316)

18 Sec 1,4(a),5(a) (i) 10 June 1945: At the 5 Mile Riam
 19 Road, orders were given to shoot the whole of a party of
 20 15 POW. The wounded were shot and bayoneted on the
 21 ground. (Ex. 1658 at p 13316)

22 Sec 1,4(a) (j) 10 June 1945: 8 POW massacred at Ranau
 23 Camp. (Sticpewich p 13385)

24 Sec 1,4(a),5(a) (k) May 1945: At Ranau, 8 sick POW were
 25 carried out and shot. (Ex. 1669 at p. 13426)

1 Sec 1,4(a)5(a) (1) May-June 1945: In the region of the
2 15½ mile post, Sandakan, 7 POW who were too weak to con-
3 tinue the march to Ranau were taken off the road and
4 shot. (Ex. 1670 at p. 13430)

5 Sec 1,4(a)&5(a) (m) 1 August 1945: At Ranau 33 sick POW
6 were taken out and shot. (Ex. 1672 at p. 13438)

7 Sec 1 & 4(a) (n) February 1945: At Samarinda, 3 Amer-
8 ican airmen were beheaded without trial. (Ex. 1690 at
9 p. 13500)

10 Sec 1,3,4(a),5(a) (o) April 1945: After one week in the
11 woods of Goenoeng Api, only 245 Indonesian prisoners re-
12 maind of an original 395, the remainder having died
13 through ill-treatment, sickness and starvation, or been
14 killed. (Ex. 1686 at p. 13495)

15 Sec 1 & 12 (p) June 1945: At Berau, about 30 Indonesians
16 including 4 or 5 women, and also a French couple were exe-
17 cuted. (Ex. 1699 at p. 13524)

18 (2) POW and Internment Camps:

19 Sec 1,2(a)(d)&(e),3 & 5(a) (a) Tarakan Camp: Conditions
20 as previously described. (Ex. 1686 at p. 13495)

21 Sec 1,3,4(a)&5(a) (b) Balikpapan Camp: Conditions as pre-
22 viously described. (Ex. 1691 at p. 13504)

23 Sec 1,3,4(a)(c)(e),5(a)&(d) (c) Kuching Camp: Conditions
24 continued to be extremely bad. From 50 - 75 percent of
25 the POW were unfit. Between January and August there

1 were 580 deaths - mostly due to deficiency diseases. Up
2 to 50 per cent had T.B. and all looked like living
3 skeletons. The death roll in the British Officers' camp
4 was 15 per cent and in the men's camp, 60 per cent.
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Hospital conditions were still quite inadequate with practically no medical or surgical supplies, but just prior to the capitulation, the Japanese issued medical supplies. Food continued to be insufficient. When Lt-Col Morgan visited the camp in Sept. after the capitulation he reported that all the Australian POW and internees left in the camp were suffering from general malnutrition and the British had 250 stretcher cases. Approximately 4 were dying each day, and medical stores were in short supply - surgical dressings and instruments almost none. No member of the camp was fit and if conditions had continued, nobody would have survived. Ulcers, beri beri, T.B. and cancer prevalent. (Ex. 1673,1674,1675 at pp 13446-13449)

Sec 1,2(d) 3,4(a) 5(a) & (d) (d) Kuala Belat Camp:

Conditions continue as previously described. Altogether 130 Indians died, including 65 killed by the Japanese. In one month 55 had died of starvation. (Ex. 1655,1656 at pp 13312-3)

Sec 1,2(a)(b)(c)(d)(e) 3,4(a)(c)(f) 5(a)(d) (e) Sandakan Camp: Conditions as previously described continued.

After the march to Ranau commenced, there were 291 POW left behind in this camp. No provision made for their shelter or comfort. From the beginning of January 1945, those left at the camp were 90 per cent unfit; they were

forced out to work regardless of their sickness. In
1 March, 1945, 231 deaths occurred. On 29th May there were
2 about 740 POW in the camp, 400 of whom were stretcher
3 cases (Australian) also 100 English stretcher cases. Of
4 the 291 remaining after the Ranau march, 75 were sent out
5 on 9 June, supposedly to Ranau, but they were all murder-
6 ed before the 30 mile post; on 13 July 23 were taken to
7 the aerodrome and killed; 30 were left without food or
8 shelter; the remainder had died over a period. (Stic-
9 pewich, pp 13361-6, 13383-6, Ex. 1668 at p 13420)

10 Sec 1,2(b)(c)(d)(e) 3,4(a) 5(a) & (d) (f) Ranau Camp:

11 At this camp there was no shelter and work parties covered
12 up to 18 miles a day. POW died quickly from exertion.
13 The food was in-sufficient and in about March, the ration
14 was reduced considerably to 100 grammes of rice, 100 gram-
15 mes sweet potatoes and 100 grammes of tapioca daily. By
16 20 July only 76 prisoners alive, the others having died
17 mainly from starvation, physical exertion and exposure,
18 one from violence. By the end of July, most of those
19 still alive were in such a low condition that only about
20 12 could walk and there were only 38 alive, 8 of whom
21 were unconscious. The POW were told that they were all
22 to be killed. The total number of POW who came to San-
23 dakan was 2736, of whom 240 were moved to Kuching and
24 100 to Labuan. On the remaining 2296, only 6 survived.
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1 Beatings were an everyday occurrence. (Sticpewich 13375-
2 83, Ex. 1668 at p 13420)

3 4. Burma and Siam.

4 (1) Principal Atrocities and Incidents.

5 Sec 1,3,4(a) 5(a) & 12 (a) 27 Jan. 45: HSIPAW - 621

6 Indians confined in a room 25 feet square. They received
7 a daily ration of one small rice ball and a very small
8 quantity of water. By 9th March 200 had died. Six of
9 them were taken to Monghai where about one month later
10 the Japs attempted to behead them. One survived. The
11 only reason given was that as Indians they were naturally
12 pro-British. (Ex. 1553 at p 12983)

13 Sec 1,4(a) (b) 7 Feb. 45: Moksokwin Reserve Forest -

14 4 RAF personnel who had apparently crashed were executed
15 without trial. (Ex. 1547 at p 12976)

16 Sec 1 & 12 (c) April or May 45: In vicinity of MENZADA,

17 2 Burmese were executed on suspicion of having been con-
18 cerned in the death of a Japanese soldier and two others
19 in connection with possession of a pistol. (Ex. 1543 at
20 p 12973)

21 Sec 1,4(a) & 12 (d) May 45: Ongun, 7 Burmese and 2

22 Allied soldiers beheaded at Ongun Cemetery without trial.
23 (Ex. 1544 at p 12974)

24 Sec 1 & 12 (e) May 45: Tharrawaddy - 7 prisoners,

25 presumably KARENS executed by shooting by the Kempei Tai.

Ex. 1546 at p 12976)

1 Sec 1 & 12 (f) June 45: KAWTIM - Burman tortured to
2 death by Kempei Tai (Ex. 1537 at p 12965)

3 Sec 1 & 12 (g) June 45: EBAING - 97 Karen men and women
4 and children masscred by Kempei Tai during search for
5 allied parachutists. (Ex. 1538, 1539 at pp 12966-8)

6 (2) POW and Internment Camps.

7 Sec 1,3,12 (a) Tavoy Internment Camp: Similar conditions
8 to those previously described. In addition white women
9 were beaten and raped by the Japanese. (Ex. 1555, 1557,
10 1558 at pp 12991-4)

11 Sec 1,2(a)(b)(d) 3 & 5(a) (b) Tamarkan Camp: Conditions
12 similar to those previously described. (Ex. 1563 at p
13 13059 and Ex. 1572 at p 13081)

14 Sec 1,3,4(a)(b)(c) 5(a)(d) & 8(e) (c) KANBURI CAMP:
15 Feb. 45 to end July 45 - 3000 officers closely confined in
16 camp 220 yards by 120 yards - mass punishments and indi-
17 vidual punishments sadistically inflicted. Mail was with-
18 held. One officer confined in a water-logged mosquito in-
19 fested trench for 80 days because he supported objection
20 of officers to working. (Ex. 1563 at p 13059, Ex. 1572
21 at p 13081 and Lloyd 13038-9)

22 Sec 1 & 12 (d) KANBURI COOLIE Hospital (Siam). From
23 Oct. 44 to March 45, one to three patients in dysentery
24 ward which averaged 40 patients died daily. This was due
25

to insufficiency of drugs, medical supplies and starvation.

(Ex. 1575 at p 13087)

Sec 1,4(a) 5(a)(d) & (f) (e) NANKOMNATON Hospital Camp:

In February 45, the 500 officer patients from this hospital were removed to working camps irrespective of medical condition. These included men dying of cancer, brain tumour and other diseased. From then onwards beating up of prisoners became more common. (Coates 11442-3)

(f) KINSAYOKE No. 1 JUNGLE CAMP: Coolies accommodated in leaky tents - daily ration small quantity of rice and 3 or 4 chillies. Hygienic conditions bad. Daily death rate in July 20-30 out of 1500. (Ex. 1574 at p 13083)

Sec 5(a) & (d) (g) RANGOON PRISONER OF WAR CAMP: March 1945 - 2 airmen POW seriously ill with acute beri beri and dysentery - many applications made to medical officer and orderly for strengthening food and vitamin "B" - all refused on ground that they would die anyway. Finally application made to Camp Commander who inspected patients but did nothing - the two patients were in a bare unfurnished concrete cell used as a hospital - no bedding - both died within three weeks. (Ex. 1583 at p 13101)

2. (b) DEFENCE EVIDENCE - re (g) above

Rangoon POW was a permanent building, fully equipped for living and sanitation with dispensary, sick rooms,

1 showers, kitchens, exercise yard etc. The equipment of the
2 internment camp was also in good condition. Never saw these
3 camps until after Japanese surrender. (Ex. 3085 at p 27540,
4 Ex. 3089 at p 27585)

5 Commander Rangoon POW Camp - camp poorly equipped.
6 As regards furniture and fixtures - impossible to have sat-
7 isfactory hygienic conditions at camp on account of shortage
8 of medicine and inadequate equipment but by sensible efforts
9 of camp staff conditions were as good as could be expected.
10 (Ex. 3087 at p 27565)

11 5. The Celebes and Surrounding Islands.

12 (1) Principal Atrocities and Incidents.

13 Sec 1.4(a) (a) July 1945: At Singkang, South East Celebes,
14 five American POW airmen were executed without trial or
15 court martial. (Ex. 1801 at p 13858)

16 Sec 1 & 4(a) (b) 23 March 1945: At Beo, Taulaud Islands
17 North of Celebes, 4 Allied airmen were executed without
18 accusation or trial, by order of General KATSURA. (Ex.
19 1802 at p 13864)

20 Sec 1 & 4(a) (c) June 1945: At Beo, Taulaud Islands, an
21 Allied airman was executed. (Ex. 1802 at p 13864)

22 Sec 1 & 4(a) (d) July 1945: At Maros, near Macassar,
23 South West Celebes, 4 Allied airmen were executed. (Ex.
24 1803 at p 13865)

25 Sec 1 & 4(a) (e) April 1945: At Teragan Camp, 4 Indian

1 POW accused of theft were brutally beaten and later be-
2 headed. (Ex. 1806 at p 13875)

3 Sec 1 & 4 (a) (f) July 1945: At Teragan Camp, 2 Indian
4 POW accused of the theft of a phial of medicine, were tied
5 up from 4 o'clock in the afternoon until 10 o'clock the
6 next morning. They were then stripped naked and beheaded.
7 (Ex. 1806 at p 13875)

8 Sec 1 & 4(a) (g) August 1945: At Teragan Camp, at Indian
9 POW accused of stealing was tied to a tree all night and
10 then beheaded. (Ex. 1806 at p 13875)

11 Sec 1, 4(a) 4(d) (h) About July 1945: At Teragan Camp,
12 2 Indian POW who escaped were recaptured and beheaded.
13 (Ex. 1806 at p 13875)

14 Sec 1,2(b)(d)(e) 3,5(a) (1) March 1945: At Teragan Camp,
15 3 Indian POW who were suffering from beri beri and general
16 debility, were accused by the Japs of not working well, and
17 were beaten and knocked down until they became unconscious.
18 They were forced to continue working and as a result of
19 this treatment one died a week or two later. (Ex. 1806
20 at p 13875)

21 Sec 1, 4(a)(d) (j) March 1945: At Teragan Camp an Indian
22 POW who escaped while being punished for stealing, was
23 recaptured and beheaded. (Ex. 1806 at p 13875)

24 Sec 1 & 12 (k) January 1945: At tondano, 2 Dutch intern-
25 ees from Teling Internment Camp were put in gaol and later

executed for communicating with outside people. (Ex. 1810 at p 13920)

1 Sec 1 & 4(a) (1) About July 1945: At Menado, 3 Allied
2 airmen who were shot down and captured were killed by the
3 Japanese. All other Allied airmen shot down in that area
4 were also killed, at different times. (Ex. 1810 at p 13920)

5 Sec 1 & 12 (m) 16 February 1945: At Menado, a Dutch
6 internee died from ill-treatment. (Ex. 1810 at p 13920)

7 (2) POW and Internment Camps.

8 Sec 1,2(a)(b)(c)(d)(e) 3,4(a)(c) 5(a)(d) & 8(e) (a) Macas-
9 sar POW Camp: Same conditions as previously described. By
10 1945, the percentage of men suffering from malaria had in-
11 creased to 96 per cent. In March 1945, all the sick were
12 made to parade in the rain. Those who could not walk were
13 supported by their friends. Several deaths resulted from
14 this treatment. (Ex. 1804, 1805 at pp 13866-7)

15 Sec 1 & 12 (b) Bodjoe Camp, S.W. Celebes: Same conditions
16 as previously described, until May 1945 when the camp was
17 moved to Bolong. (Ex. 1811 at p 13921)

18 Sec 12 (c) Bolong Internment Camp: The internees slept
19 in open bamboo barracks; no blankets and practically no
20 clothes (the camp was 1400 metres above sea level). They
21 suffered greatly from the cold. The food was insufficient.
22 (Ex. 1811 at p 13921)

23 Sec 1,2(a)(b)(d)(e) 3,4(a) 5(a)(d) (d) Teragan POW Camp,
24
25

1 Halmaheiras: In February 1945, the Indian POW were told
 2 that they were no longer prisoners but, by Japanese order,
 3 formed a part of the Japanese Army. Notwithstanding their
 4 protests they were forced to do fatigues and military train-
 5 ing, under severe discipline involving corporal ill-treat-
 6 ment. Medical supplies were withheld, and as a result some
 7 POW died. The sick were forced to work and all had to at-
 8 tend morning parade, where many collapsed each morning and
 9 were left where they fell. When the others had marched off,
 10 the Japs beat and kicked the men on the ground to ascertain
 11 if they were malingering. Dental treatment was also refused.
 12 During the last three months of captivity the men were given
 13 no meal before starting work in the morning. Severe beat-
 14 ings were regular occurrence, and generally about 20 Indians
 15 were beaten each day. (Ex. 1806 at p 13875)

16 Sec 1 & 12 (e) Makale Internment Camp, South West Celebes:
 17 Food was insufficient, no medicines were provided. (Ex.
 18 1813 p 13923)

19 6. China other than Hongkong.

20 Sec 1,4(a) 5(a) (1) Principal Atrocities and Incidents.

21 (a) 2 April 1945: At Chin Matan a captured
 22 American airman, whose right leg was injured, had his foot
 23 amputated several inches above the ankle by a Jap civilian
 24 using a crude knife and no anesthesia. A few days later
 25 he was beaten until unconscious on three occasions for not

answering questions. (Ex. 1903 at p 14185)

(2) POW and Internment Camps.

Sec 1,3,4(a) 5(a) (a) Bridge House, Shanghai: Same conditions as previously described. (Ex. 1893 at p 14165)

(b) Mukden Prison Camp: Same conditions as previously described. (Ex. 1905,1906 at pp 14187-8, Ex. 1912, 1913 at pp 14192-3)

Sec 2(a)(b)(d)(e) 3,4(a)(f) 5(a) 6 Accommodation crowded, buildings very dirty and badly infested with lice and fleas. Food was getting rapidly and progressively shorter in issue, although there was food in surrounding country and after the surrender prisoners had no difficulty in getting plentiful supplies. Sickness extremely high, partly due to insanitary condition of latrines, which caused dysentery throughout the camp. Discipline very severe. Officers subjected to extreme indignities and annoyances and were assaulted on several occasions. Of approx. 1400 POW who arrived in 1943, over 300 had died. At end of hostilities, one POW was released from cells who had been there for 150 days without any charge or trial. Another POW released from the cells had been beaten up at least twice a day for the last 10 days, although he had not been sentenced for anything. A junior Japanese officer informed a senior British officer that they disapproved of ill-treating the POW but that it was the policy laid down. No drugs to combat dysentery

1 and sanitation facilities were non-existent
2 or extremely crude (Exs 1-11). The regular
3 diet consisted of a maximum of seven hundred
4 to eight hundred calories a day and during
5 the worst periods, the prisoners received
6 only two meals a day consisting of one-half
7 and three-fourths of a canteen cup of rice
8 respectively.

9 "b. The little food actually issued to
10 the prisoners was often contaminated, result-
11 ing in many cases of dysentery and diarrhea.
12 Beri-beri was also prevalent. On one occasion
13 eight persons died from dysentery, no hospi-
14 talization having been provided (R 12,732).

15 "c. American prisoners-of-war frequently
16 resorted to eating garbage from the scrap cans
17 and pig troughs. Captain NOGI, Medical
18 Director, was apparently responsible for those
19 conditions (R 12,733).

20 "d. American prisoners were beaten with
21 sticks and baseball bats, often to insensi-
22 bility. A Major R. B. Prager, 26th Cavalry,
23 was hanged by the wrists for sixty hours and
24 a Major Thomas S. Jones of the same unit for
25 eighteen hours in September and October 1943

toes. Most of the grounds were covered with water. All sanitary arrangements out of order. Water lay 2 ft. deep under each building, roof leaked; food and general conditions were abominable. (Ex. 1893 at p 14165)

7. Formosa:

(1) Principal Atrocities and Incidents.

Nil.

(2) POW and Internment Camps.

Sec 1,2(b)(d)(e) 3,4(a) 5(a)(d) 6(c) (a) Karenko POW Camp: Conditions as previously described. Although Lt. Gen. ANDO, C-in-C Formosa, and Maj. Gen IGUCHI, his Chief of Staff, and Admiral HASEGAYA, Gov. of Formosa, visited the camp conditions did not improve. (Ex. 1629 at p 13208)

Sec 1,2(a)(b)(d) & (e), 3,4(a) 5(a) (b) Kinkaseki POW Camp: Conditions as previously described. Medicines and drugs at all times were in very short supply and Red Cross supplies were received only twice. There were many cases of T.B. 87 deaths occurred in this camp. (Ex. 1630, 1631 at pp 13210-24)

Sec 1, 2(b)(c)(d)(e) 3,4(a)(b) 5(a) & (d) (c) Kokutsu POW Camp: In May 1945 the mine at Kinkaseki was closed and the camp moved to Kokutsu. Conditions there were terrible, food reached the lowest level at 280 grammes of dry rice plus dried potatoes per-day. All food and materials for the camp was carried by the very sick up an 8 mile jungle

track. The POW were pushed to the limit, worked from day-break to sunset, harrassed beaten and kicked to get the camp finished by a certain date. A huge area had to be cleaned and planted with thousands of sweet potatoes, also by a certain time. The attitude of the guards became more antagonistic each day, and POW were beaten and maltreated daily.

One man was beaten so hard on the head that he went mad. By the time of the surrender the majority of the men were mentally deranged, all were sick and had lost weight. (Ex. 1631 at p 13224)

8. French Indo China.

(1) Principal Atrocities and Incidents.

(a) March - At Langson the following atrocities took place:-

Sec 1, 4(a) & 10 (i) 60 troops who surrendered at Fort Briere de C'Isle bayoneted to death: (Garbrillagues 15434)

Sec 1, 4(a) & 10 (ii) 200 French Citadelle hacked to pieces. (Gabrillagues at p 15434)

Sec 1 & 12 (iii) 14 men, women and children ordered into a trench and there massacred. (Ex. 2118 at p 15309)

Sec 1, 4(a) & 10 (iv) 13 officers and other ranks stabbed to death. (Ex. 2120 at p 15314)

Sec 1, 4(a) & 10 (v) Capt. Linard tortured to death, Ex. 2120 at p 15314)

Sec 1 & 12 (vi) 2 women raped and then murdered. (Ex. 2121 at p 15316 and Ex. 2152 at p 15403)

Sec 1, 4(a) & 10 (vii) Massacres of POW, including General Lemmonier and civilians took place in other parts of town. (Gabrillagues at p 15434)

Sec 1, 4(a) & 10 (b) March - At Dong Dang 800 Japanese under command of a General Officer having captured the garrison massacred Captain and 50 troops. (Gabrillagues 15434 and Ex. 2155 at p 15415)

Sec 1, 4(a) & 10 (c) March - At DINH LAP 20 French Officers and men who had been captured were tied up and massacred. (Ex. 2154 at p 15412)

Sec 1, 4(a) 10 & 12(d) (d) March - At Hanoi French Sergeant and wife massacred. (Ex. 2132 at p 15335)

Sec 1, 4(a) & 10 (e) March - At Tien Yen 8 French soldiers executed within half an hour of capture. (Ex. 2147 at p 15379)

Sec 1, 4(a) & 10 (f) March - DAMHA garrison massacred, four wounded Annamites and one European burned alive. (Gabrillagues at p 15435)

Sec 1, 4(a) 5(a) 10 (g) March - At Hanoi captured French Military doctor and male nurse executed a few moments after capture. (Ex. 2145, 2146 at pp 15375-8)

(The above mentioned atrocities were the work of the 225th Regiment of the 37th Division commanded by Colonel

Shizume)

1 Sec 1 & 12 (h) March - At Hoang Su Pui 2 young French
2 women were repeatedly raped and then murdered. (Ex. 2154
3 at p 15412)

4 Sec 1, 4(a) & 10 (i) March - At HAGIONG, 44 French sold-
5 iers who had just been captured were murdered. (Ex. 2150
6 at p 15388)

7 Sec 1, 4(a) 10 & 12 (j) 20th March - At HAGIONG a further
8 88 people were murdered. (Ex. 2124 at p 15324)

9 Sec 1 & 12 (k) March - At HAGIONG many cases of rape fol-
10 lowed by murder took place. (Gabrillagues at p 15435)

11 (The above atrocities perpetrated by 226th Regt.
12 of 37th Division)

13 Sec 1, 4(a) & 10 (l) March - In Loas at Takhek the whole
14 male European population including fifty-five French men
15 were murdered by 21 Division (Gabrillagues - 15436)

16 Sec 1, 4(a) & 10 (m) March - At Helenol, 3 French POW
17 executed (Ex. 2151 at p 15390)

18 Sec 1 & 12 (n) March - Mr. Goudenant arrested by Kempei
19 Tai and held until 21 July 45, when he was released to hosp-
20 ital where he died insane. (Ex. 2113 at p 15295)

21 Sec 1 & 12 (o) June - Mr. Gureau arrested and tortured.
22 Died 22 days later in hospital. (Ex. 2113 at p 15295)

23 Sec 1 & 12(p) June - Mr. Muriet a man of robust physique was ar-
24 rested and died 15 days after going to Jap. Military Police
25

H.Q. (Ex. 2113 at p 15295)

1 Sec 1 & 12 (q) June-Aug. 45: Mr. Sureau and Mr. Uriet so
2 badly beaten and tortured by Kempei Tai that they died. (Ex.
3 2114 at p 15298)

4 (2) POW and Internment Camps.

5 Sec 1 & 12 (a) Surete - Hanoi: Conditions were extremely
6 overcrowded. The cells contained a bunk on which only one
7 person could lie and the others had to squat on the earth
8 at night. The cell was three meters long and the grating
9 door was open for five minutes every day. Some prisoners
10 were put in a cage 20 meters long x 7 or 8 wide. Sanitary
11 conditions were very bad and vermin swarmed in the cage and
12 cells. Food consisted of a ball of rice twice a day with a
13 little salt and a coffee cup of tea. Interrogations of the
14 prisoners were carried out and they were beaten up with
15 clubs or tortured by electric current. Certain prisoners
16 had to be hospitalized and one died as the result of tor-
17 tures he had undergone. (Ex. 2130 at p 15329)

18
19 Sec 1, 3, 4(a)(f) 5(a) (b) Kempei Tai HQ at Mytho. Food
20 was insufficient consisting three times a day of a little
21 rice ball and a quarter of cucumber or radish. There was
22 no care for cleanliness. Men were obliged to sit directly
23 on the floor from the time they got up until 9 pm. They
24 could not stoop, lean, lie or sleep and were punished by
25 cudgelling for all infractions of this rule. Electricity

was never turned out. Cells were grossly overcrowded,
being 4' x 4' and had 17 POWs, including many criminals,
many of whom suffered from very serious diseases. Prison-
ers were beaten and kicked daily. (Ex. 2143 at p 15,364)

Sec 1,3,4(a)(f) 5(a) (c) Japanese Kempei Tai HQ - Saigon

The cells were about 4 meters by 5, with plank floors and
permanently lit by a central lamp. At night bedding was
given out on an average of one piece for three persons.

Painful punishments were inflicted on the prisoners, which
included blows with a stick - often very violent. 6 pris-
oners died from bad treatment and lack of care. (Ex.2144
at p 15,369)

Sec 1,2(b)(d)(e) 3,4(a) 5(a)(d) (d) Dr. Portes Camp - Dr.

Flottes Camp - Dr. Mathurins Camp. The Japanese had made
no preparation to receive POWs, who remained exposed to
inclement weather during the days necessary to construct
a roof of latarias. The construction of floorboards was
forbidden, thus obliging the prisoners to sleep in water
every time it rained. Food was inadequate, and owing to
the small quantity of tea allowed to be drunk per day,
the men were forced to drink the dirty water of the rice
paddies. The cases of dysentery were very numerous. Work
consisted of embankments for the construction of mountain
roads and trails; placing of wooden bridges; boring of
numerous tunnel in the mountains and the timbering of

1 these tunnels. The transfer of blocks and planks neces-
 2 sary for this work was on the backs of men driven by blows
 3 from cudgels. The work was stopped on the 16th August.
 4 Marsh fever, dysentery, beri-beri and oedema were pre-
 5 dominant in the death and disease rate. There was a good
 6 deal of systematic ill-treatment and excessive amount of
 7 work at all times, even at night. The sick were system-
 8 etically sent out to work, with blows from sticks. Medic-
 9 ines and medical evacuations were refused. In one camp,
 10 dysentery patients were shut up in a cage and a little water
 11 and rice was handed in to them from a hole in the partition,
 12 (Ex. 2148 at p 15381)

13 9. Hainan Island.

14 (1) Principal Atrocities and Events.

15 Nil.

16 (2) POW and other camps.

17 Sec 1,2(a)(b)(c)(d)(e), 3,4(a) & 5(a) (a) POW Camp as
 18 previously described - food dropped to a record low of 167
 19 grams per day but from 10 May 1945 onwards began to improve
 20 -anti-aircraft guns set up in camp which was not marked as
 21 a POW camp. (Ex. 1624, 1625 at pp 13202-3)

22 Sec 1 & 12 (b) Coolie camp - as previously described.
 23 (Ex. 1625 at p 13203)

24 10. Hongkong.

25 (1) Principal Atrocities and Events.

Nil.

(2) POW and Internment Camps.

Nil.

11. Japan.

(1) Principal Atrocities and Events.

Sec 1, 4(a), 5(a) (a) April 1945: At Camp No. 17, Fukuoka an American Corporal was confined in the guardhouse for talking to a Japanese civilian minor. He was given no food and subjected to severe beatings day and night, as a result of which he died on 11 April. He had received no medical attention and his body showed many signs of fractures and severe beatings. The Japanese listed this man officially as having died in the hospital from an abscess. (Ex. 1917 at p 14197)

Sec 1, 4(a)(f) 5(a)(d) (b) May 1945: At Camp No. 17, Fukuoka, an American POW was confined in the guardhouse for stealing a bun in the mess hall. He was subjected to repeated beatings and torture and died after about 15 days. His body was in a state of extreme emaciation. (Ex. 1917 at p 14197)

Sec 1, 4(a) (c) About March 1945: At Camp No. 17, Fukuoka, a British POW was put in the guardhouse for having a piece of zinc in his possession. He died on the first day as a result of beating. (Ex. 1917 at p 14197)

Sec 1, 4(a)(f) 5(a) (d) March 1945: At Camp No. 17,

1 Fukuoka, an Australian and 2 American Privates were put in
2 the guardhouse and forced to kneel for long periods of time
3 on bamboo, barefoot on concrete floors, as a result of which
4 they developed gangrene. It was necessary to amputate both
5 feet of one, all toes of another and 3 toes of the third.
6 (Ex. 1917 at p 14197)

7 Sec 1,3,4(a) (e) 4 Feb. 1945: At Sendai Camp 1B, a Brit-
8 ish POW who was in a very weak condition resulting from
9 beri-beri and malnutrition, asked to see the M.O., where-
10 upon he was knocked down by a Japanese guard and kicked
11 in the stomach while lying on the ground. He died that
12 evening. (Ex. 1919 at p 14202)

13 (f) 25 May 1945: At the detention house of the
14 Tokyo Army Prison, 62 Allied airmen interned as suspected
15 "violators of the military regulations" were burned to
16 death in the air raids. (Ex. 1921 at p 14204)

17 Sec 1, 4(a), 10 (g) 26 May 1945: At Hujoshi Village,
18 Chiba Prefecture, a seriously injured pilot was beheaded
19 by a member of a Japanese patrol, after his plane crashed.
20 It is possible that bayonetting of the body took place
21 after death. (Ex. 1921 at p 14204)

22 Sec 1, 4(a), 10 (h) About June 1945: Of 44 Allied air-
23 men captured in the Tokai or Eastern Sea Region between
24 11 February 1945 and the surrender, 38 were executed, only
25 11 of whom received a court martial. (Ex.1921 at p 14204)

1 Sec 1, 4(a), 10 (i) July/Aug. 1945: Of 49 Allied airmen
2 captured in the Central Military District, 43 were put to
3 death, only 2 of whom received a court martial. (Ex.1922-
4 1923 at pp 14209-12)

5 Sec 1, 4(a), 10 (j) June and Aug. 1945: Approximately
6 30 Allied airmen captured in the Western District of Japan
7 were put to death by personnel of the Military District
8 H.Q. (Ex. 1924 at p 14218)

9 Sec 1, 4(a) (k) About March 1945: At Yamani POW Camp,
10 2 Australian POW had their hands spiked to tables with
11 ordinary office spike files. The spike was driven through
12 their hands several times near the knuckle joints. A
13 paper knife was then used to lift their fingernails.
14 (Ex. 1928 at p 14225)

15 Sec 1,3,4(a), 5(a) (1) About 20 June 1945: At Norima
16 Prison Camp, an American POW was driven by hunger to steal
17 food. Unable to avoid discovery he attempted to commit
18 suicide. While in a weakened condition he was kicked in
19 the head several times as he lay on the floor, tied hand
20 and foot and seated in front of the guardhouse for 72 hours
21 during which time he was permitted no food or water and
22 was beaten with clubs by the Japanese. He was then placed
23 in the guardhouse on reduced rations. On 20 July the Japanese
24 announced that he had died. No examination was permitted,
25 but the prisoners who saw him placed in the casket were

of the opinion that he was still alive and breathing,
though unconscious. (Ex. 1941 at p 14244)

Sec 1, 4(a) & 5(a) (m) May 1945: An American airman who
bailed out over Tokyo metropolitan area and who was suffering
from a broken leg and shrapnel wounds, after being
beaten by a mob of Japanese men and women, was taken to the
Kempei Tai H.Q. for interrogation and beaten. He was given
no medical attention. (Ex. 1953 at p 14259)

2. POW and Internment Camps.

(a) H.Q. Prison Camp, Osaka.

Same conditions as previously described. (Ex.
1936 at p 14236)

Sec 1,2(a)(c), 3,4(a)(b)(c) & 5(a) In April 1945 following
B-29 raids in that area, a rollcall was taken of the 500
or 600 prisoners in camp, and every man whose number was
"29" (about 13 of them) was taken out and beaten severely
and forced to kneel on rock piles for about 1½ hours.
This occurred 12 or 14 times, i.e. after each B-29 raid.
(Ex. 1935, 1936 at pp 14236-8)

Between October 1942 and June 1945, 120 or more
deaths occurred in the camp of 650 or 700 men, mostly from
pneumonia, beri-beri or dysentery; about 15 were due to
forcing the men to work while sick and without medical at-
tention. The camp was surrounded by military targets and
was not marked as a POW camp; it was wiped out on 1 June

1945 in a B-29 raid. (Ex. 1936 at pp 14236-8)

1 Sec 2(a) & (e) (b) Camp D1, Yokohama: Same conditions as
2 previously described. (Ex. 1942 at p 14246)

3 Sec 1,2(a)(b)(d)(e), 3, 5(a) & 8(e) (c) Umeda Bunshe POW
4 Camp, Osaka: Same conditions as previously described.
5 (Ex. 1946, 1947) A great deal of Red Cross supplies was
6 stolen by the Japanese. Treatment of the POW became more
7 brutal during the last months of the war. (Ex. 1946 at p
8 14251)
9

10 Sec 1,2(b)(e) 3, 4(a) & 5(a) (d) Camp 4, Fukuoka: Same
11 conditions as previously described. (Ex.1951 at p 14257)

12 Sec 1, 3, 4(a)(c) 5(a)(d) 8(e) (e) Camp 5 D, Kawasaki:
13 Same conditions as previously described. (Ex. 1926 at p
14 14223)

15 Sec 1, 2(a)(b)(c)(d)(e) 3, 4(a) 5(a)(d) (f) Camp No 1,
16 Hakodate: Same conditions as previously described. (Ex.
17 1920 at p 14203)

18 Sec 1, 2(b)(d)(e) 3, 4(a) 5(a)(d) (g) Camp No. 3, Kobe:
19 Same conditions as previously described, Between December
20 1942 and June 1945, there were about 60 deaths. If the
21 men had had proper food and proper care, the great majority
22 of these deaths could have been avoided. (Ex. 1931 at p
23 14231 and Ex. 1937 at p 14239)
24

25 Sec 1, 2(b)(d)(e) 3, 4(a) 4(a)(d) (h) Camp No. 17, Fukuoka:
Same conditions as previously described. Beatings and

1 Torture continued as previously. At times men were forced
2 to have their mouths held open for hours with bamboo splint-
3 ers wedged between their teeth. Requests for proper mark-
4 ings on hospital buildings were denied by the Japanese and
5 in the summer of 1945, during air raids, seriously ill
6 patients had to remain in these buildings. During the two
7 years prior to the Japanese surrender, only sufficient Red
8 Cross supplies to care for 500 men for 3 months were issued.
9 though the camp reached the total population of 1780. The
10 Senior Medical Officer (Allied) performed 135 major opera-
11 tions without gloves and with inadequate instruments. Some
12 160 fractures were treated but at no time was plaster of
13 paris available. After the Jap. surrender a Japanese medic-
14 al officer completely revised the death list by changing
15 causes of death, eliminating executions, deficiency diseas-
16 es and injury as the cause of death; all deceased were list-
17 ed as having died of pneumonia or another common disease.
18 At the time of the surrender 34 cases of Red Cross medical
19 supplies including surgical equipment were found; this had
20 been issued to the Japanese in 1943. (Ex. 1917 at p 14197
21 and Ex. 1929 at p 14229)

22 Sec 1 & 4 (a) (i) Kamioka POW Camp: Same conditions as
23 previously described. (Ex. 1927 at p. 14224)

24 Sec 1, 3, 4(c)(c) 5(a) & 8(e) (j) Ofuna Naval Prison:
25 Same conditions as previously described. (Ex. 1934 at p

14235)

1 Sec 1, 2(a)(b) 3, 4(a)(c) 5(a) (k) Hirohata Prison Camp:

2 Same conditions as previously described. Beatings continued
3 to be a regular occurrence. In May 1945 as punishment for
4 a theft of food, all POW had to kneel in the open for 6.
5 hours. At the end of that time 9 confessed and were beaten
6 for 4½ hours by the entire camp staff. If any POW became
7 unconscious he was revived and beaten again. They were
8 carried into the barracks in a semi-conscious, hysterical
9 and delirious condition but all but one had to go to work
10 the next day. (Ex. 1939 at p. 14242)

11 Sec 1, 3, 4(a) 5(a) 8(e) (1) Sendeyu POW Camp: Same con-
12 ditions as previously described. Food ration became less:
13 the sick received less food than those working. Beatings
14 were frequent. Red Cross parcels were used by the Japanese
15 guards. It was the Japanese policy to keep POW in a low
16 state of health and morale by keeping them short of food
17 and by severe treatment and humiliation. (Ex. 1949 at p.
18 14254)

19 Sec 1, 4(a) (m) Camp 1B, Sendai: Beatings a regular
20 occurrence. (Ex 1919 at p. 14202)

21 Sec 1, 4(a)(c) (n) Nisi Asibetu POW Camp: All prisoners
22 subjected to collective punishment, which consisted of mak-
23 ing the entire camp go without a meal and stand on parade
24 during the period allowed for the meal. On several occas-
25

1 ions the prisoners were made to stand all night and then
 2 made to go to work at daylight the next morning. (Ex.1920
 3 at p. 14203)

4 Sec 1, 2(b), 3, 4(a) (c) Yamani POW Camp: Sever and fre-
 5 quent beatings. Food very bad. POW so starved they bought
 6 and ate horseflesh and the entrails of dogs. Working con-
 7 ditions very bad. POW forced to work in mines previously
 8 closed because of dangerous shafts. There were several
 9 deaths through accident in the mines, (Ex.1928 at p 14225)

10 Sec 1, 2(b)(c)(d)(e) 3, 4(a) 5(b) 6(b)(c) 8(e) (p) Miyata
 11 POW Camp: Conditions generally were bad. Much ill-treatment
 12 of POW - a reign of terror prevailed. Both men and officers
 13 worked 13 hours a day, the men in the mines and the officers
 14 in the fields, unloading sacks of rice and coal and emptying
 15 latrines. Food utterly insufficient to maintain health.
 16 Medical arrangements very bad and very limited. A limited
 17 quantity of Red Cross supplies were obtained but a good deal
 18 was stolen by the Japanese. The sick received a lower ration
 19 than other prisoners. Brutal beatings a regular occurrence.
 20 The sick were forced to work. On 7 August 1945, 90 or 100
 21 British officers were beaten with bamboo poles and sticks,
 22 because the senior officer had attempted to see the camp
 23 commandant to make a complaint concerning a ten percent
 24 reduction in the rice ration. (Ex. 1932 at p. 14232)

25 Sec 1, 2(b)(d)(e) 3, 4(a) 5(a)(d) (q) Camp No. 27 Ita:

Beatings frequent and severe. Discipline very harsh.

1 Quarters inadequate. Food insufficient. Although there
2 was a great deal of sickness among the prisoners, only a
3 few ever went to hospital. The sick were forced to work.
4 (Ex. 1937 at p. 14239)

5 Sec. 1, 2(a) 3, 4(a) (r) Norima Prison Camp: Between
6 March and June 1945, the food decreased drastically in qual-
7 ity and quantity. Prisoners worked on military installa-
8 tions. Severe beatings a commonplace. (Ex. 1941 at p 14244)

9 Sec 1, 2(b)(c)(d)(e) 3, 4(a) 5(a) 8(e) (s) Hosakura POW
10 Camp: 230 Americans and 50 British arrived at this camp in
11 January 1945, the entire draft suffering from previous ill-
12 treatment at the hands of the Japanese. They had only tat-
13 tered tropical clothing; no footwear and no warm clothing
14 were issued by the Japanese, despite repeat protests and
15 despite the fact that the temperature was well below zero
16 from January to April. There was plenty of Red Cross warm
17 clothing and footwear in the camp store and the Japanese
18 laborers were issued with warm clothing. Prisoners forced
19 to do heavy manual labor 12 hours a day. Food totally in-
20 adequate and as a result all prisoners suffered from malnu-
21 trition and all forms of skin diseases; beri beri, pellagra,
22 blood disorders and dysentery also prevalent. In February,
23 1945, 2 prisoners died each week of pneumonia. Men forced
24 to work despite sickness. No medicines or medical equipment
25

1 or dental treatment provided and repeated requests for same
2 were ignored. About 60 POW died from January onwards, the
3 majority due to starvation and inhumane treatment. Three
4 prisoners died as a result of beatings. After the surrender
5 ample supplies of food and other necessities were found.

6 (Ex. 1945 at p. 14250)

7 Sec 1, 2(a)(b), 4(a) (t) Tsuruga POW Camp: POW worked on
8 military objectives, subject to bombing and were ordered to
9 keep working during raids. They were bombed out of their
10 barracks twice. Beatings were frequent. (Ex. 1946, 1947
11 at pp 14251-2)

12 Sec 1, 3, 4(a)(f), 5(a) (u) Kempeitai H.Q. Tokyo: Prison-
13 ers were cramped into 12 ft by 10 ft cells, 18 to a cell,
14 not allowed to leave the cell or talk to each other. They
15 were required to sit at attention from 5a.m. to 9 p.m. daily
16 and if any prisoner relaxed he was beaten. Cells were ver-
17 minous and latrine facilities totally inadequate. Most of
18 the prisoners had dysentery. Medical attention was refused.
19 (Ex. 1953 at p. 14259)

20 Prisoners were subjected to beatings and torture under inter-
21 rogation. One American airman was brought in with torture
22 marks on his hands and in a semi-delirious condition; he was
23 given no medical treatment and died that night. (Ex. 1954
24 at p 14260)

25 Sec 1. (v) Hoincho Camp, Osaka: During April and May

there were persistent rumours that if America won the war POW would all be killed. POW were given rougher treatment after each American air raid. (Ex. 1955 at p. 14261)

Defence Evidence - Re Hanowa Camp, Akita Prefecture (Note: Prosecution gave no evidence as to this camp) Sick compelled to work. POW treated well by Oriental standards. No brutal beatings. (Ex. 3137, p 27927-27937) Re unspecified camp in Tokyo area - Red Cross report August 1945 - Conditions as good as can be expected. (Ex. 3138 at p. 27938)

12. Java.

(1) Principal Atrocities and Incidents

Sec 1 & 12 (a) August: 19 civilians were executed at Sourabaya more than a week after the Japanese surrender, for political activities against the Japanese. (Ex. 1758, 1759 at pp 13700-1)

(2) POW and Internment Camps:

(a) LOG Landsop Camp, Bandoeng, Java:

Sec 1,3,4(a)(c) 5(a) This camp was still very overcrowded, 4000 being confined in camp designed to accommodate 250. Sanitary conditions still totally inadequate and the water supply also inadequate. Food too was insufficient and less and less was supplied as time went on, Medical supplies were also insufficient, although it was clear that supplies were available. Only a small quantity of Red Cross medical

stores were issued by the Japanese. After the capitulation
1 of Japan large supplies of medical stores and Red Cross Stores
2 were brought into the camp. Prisoners in this camp were fre-
3 quently beaten up by the Japanese Guards. On one occasion
4 when the Japanese called for the names of prisoners who had
5 expert knowledge of marine engines, the British prisoners
6 refused to supply any names. As a result all the prisoners
7 were paraded and all officers of the rank of Major and above
8 were paraded before a Sgt/Major, who proceeded to hit them
9 with his fist. Many of the officers were knocked unconscious.
10 (Ex. 1712 at p. 13629)
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12 Sec 1, 8(e) 12 (b) No. 5 Tjimeki Camp: Conditions same as
13 previously described. (Ex. 1720 at p. 13644) About 1500 or
14 1600 deaths occurred due to malnutrition, stomach complaints
15 and lack of medicines during period of camp's existence,
16 The medicines were kept by the Japanese who refused to issue
17 them until after the Japanese surrender. (Ex. 1721 at p
18 13646)

19 Sec 1 & 12 (c) Thihapit - Women Internees Camp: Previous
20 conditions continued. The state of health in the camp stead-
21 ily decreased, owing to the heavy work and the numbers being
22 supplied for the working parties. (Ex. 1722 at p. 13646)

23 Sec 1 & 12 (d) Tjideng Camp - Women Internees: The whole
24 camp was excessively overcrowded - aprox. 10,200 inhabitants
25 in an area 3/4 of a mile square. In one house, with floor

1 space of approximately 40 ft. x 20 ft. there were 84 persons
2 living. There were no amenities whatsoever and insufficient
3 space for children to play. The sanitation system was hope-
4 lessly over-loaded and the water supply totally inadequate.
5 As a result every child had at some time been infected with
6 dysentery. The main diseases were malnutrition, odema from
7 beri beri, dysentery. Practically every woman bore the marks
8 tropical ulcers. Every woman and child had had malaria -
9 some ten, fifteen and twenty times during their internment.
10 The principal items of food were rice, small amount of meat
11 and some black bread. The rations had been doubled since
12 the Japanese surrender. From a general survey of food stocks
13 in Java, there had been no shortage of food in the previous
14 six months and there were no signs of malnutrition among the
15 local people. The Japanese had stored food in considerable
16 quantity in Batavia. There were approximately 1200 in the
17 hospital at Tjideng. This number was increased to 2000 and
18 every available building was converted into a convalescent
19 home. The hospitals were very much overcrowded and in a
20 number of instances patients had no beds and were lying on
21 the floor. There was no bedding, insufficient dressings,
22 insufficient surgical equipment and a general lack of drugs.
23 The Japanese controlled very considerable stocks of medical
24 supplies in the city of Batavia. There was a room in which
25 the Camp Commander imprisoned women in total darkness, from

1 periods of 3 to 14 days, as the punishment for asking for
2 extra food. A number of women had been questioned by the
3 Kempei Tai at various times and had been subject to beat-
4 ings and the water torture. Some internees were beaten
5 by the Japanese guards periodically. (Read-Collins p.
6 13537)

7 13. New Britain.

8 (1) Principal Atrocities and Incidents.

9 Sec 1, 2(e), 4(a) (a) Feb. 45. At Takaya Bithai, an
10 exhausted Indian POW was so badly beaten to compel him
11 to carry on with his work that he died 2 days later.
12 (Ex. 1872 at p 14128)

13 Sec 1, 4(a) (b) Between Dec. 44 and Mar. 45. Japanese
14 executed 3 Indian POW because they had complained about
15 Japs. taking their personal property. (Ex 1871 at p.
16 14128)

17 (2) POW and Internment Camps.

18 Sec 1, 3, 4(a) 5(a) Rabaul. Conditions similar to those
19 previously described. (Ex. 1865 at p. 14121)

20 14. New Guinea.

21 (1) Principal Atrocities and Incidents.

22 Sec 1, 4(a)(b) 5(a) (a) Feb. 45. Kitia Singh, an
23 Indian, was beaten to insensibility by a Japanese private
24 because his boots had not been cleaned properly. After
25 3 days he was made to work and after 3 weeks became very

1 ill - he had not recovered from the beating. He rec-
2 eived no medical treatment and died. (Ex. 1844 at p
3 14094)

4 Sec 1, 4(a) (b) Feb. 45. At Yawa, 4 Indian officer POW
5 were shot and killed by the Japanese. (Ex. 1845 at p.
6 14095)

7 Sec. 1, 4(a) (c) March 45. At Kaparapoka an Australian
8 POW was executed as a result of orders of the Chief of
9 Staff, Divisional Headquarters. (Ex. 1847 at p. 14097)

10 (2) POW and Internment Camps.

11 Nil.

12 15. Singapore and Malaya.

13 (1) Principal Atrocities and Incidents.

14 Sec 1, 5(a) (a) Jan. 45. Two members of crew of a
15 B-29 which had been shot down were brought into Outram
16 Road Gaol. They were a mass of burns and black from
17 head to foot. They were given no treatment. (Ex. 1514
18 at p. 12927)
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1 Sec. 1, 4(a) (b) June 45. 9 Allied airmen taken from
2 Outram Road Gaol and executed. (Ex. 1514 at p. 12927)

3 Sec. 1, 4(a), 12 (c) May 45 - July 45. 17 Allied air-
4 men and 15 Chinese civilians taken from Outram Road Gaol
5 and executed. Airmen were not tried. (Ex. 1514 at
6 p. 12927)

7 (2) POW and Internment Camps.

8 Sec. 3, 5(a) (a) Changi Gaol. Prisoners still grossly
9 over-crowded - boots, hats and clothing not supplied to
10 replace unserviceable articles. Owing to debility pri-
11 soners contracted diptheria, T.B., pneumonia, dysentery,
12 beri beri and pellagra. Japs failed to provide food and
13 medical supplies with which these diseases could have
14 been prevented. Daily ration 6 oz. of rice, 2 oz. of
15 maize and small amount of vegetables. In July 45 accused
16 ITAGAKI looked at hospital but didn't speak to POW.
17 (Ex. 1516, 1517 at pp 12929-30, Wilde p. 5420)

18 Sec. 1,3,4,(a)(f), 5(a) (b) Outram Road Gaol. All
19 prisoners extremely weak and sick from malnutrition.
20 Food at most five or six ounces of rice per day. Prison-
21 ers engaged on work were deprived of half their rations
22 if guard considered they had not done sufficient work.
23 Prisoners were still kicked, beaten and generally ill-
24 treated. Practically no medical supplies were provided
25 and only treatment for sick was that provided occasionally.

1 by a medical orderly. American B-29 crew shot down in
2 April 45 were imprisoned underground, given half rations.
3 They were very weak when released. (Wilde p. 5491 and
4 Ex. 1512 at p. 12914)

5 Sec. 3,5(a)(d) (c) Kranji No. 2 Camp. Opened in
6 April 1945. Accommodation grossly inadequate 20 sq. ft.
7 per man. Camp hospital accommodation also grossly in-
8 adequate. Mattresses available for only the most ser-
9 iously ill patients. T.B., diptheria and dysentery
10 patients on account of accommodation compelled to
11 occupy 4 ft. high space between ground and floor of hut.
12 Sick increased from 4 on 1 April 1945 to 94 on 1 July
13 1945. Deficiency diseases prevalent. Rations were
14 insufficient and caused men to suffer from undernour-
15 ishment. Medical supplies and drugs most inadequate.
16 Sick increased from 94 on 1 July to 147 on 15 Aug.
17 (Ex. 1515 at p. 12928)

18 Sec 1, 2(a)(b)(c)(d)(e), 3, 4(a) 5(a)(d) (d) Bukit
19 Panjang: 379 POW officers and men engaged in digging
20 for Japanese fortifications. Work parties were away
21 from 8 am to 6.30 pm. Most of them had no boots. In
22 June, 1945, hours were longer and parties did not re-
23 turn until 10 p.m. Prisoners were brutally treated by
24 guards. Daily ration for working men 10 oz. rice and
25 3 oz. of vegetables and occasionally some tinned food.

Sick men received two-thirds of the ration. 50 percent of camp were sick. (Ex. 1513 at p. 12914)

Defence Evidence: Re all camps - food rations to POW and Jap troops reduced on account of difficulties of sea and road transportation but POW engaged in work received as much as Jap troops. (HAZEYAMA pp 30198-30212, Ex. 3312 at pp 30215-28, SAITO at pp 30228-38)

16. Solomon Islands

(1) Principal Atrocities and Incidents.

Sec 1 & 12 At the conclusion of the war there were only 100 natives left on Ocean Island. The Japanese marched them away in two sections. They were shot and the dead bodies towed out to sea. (Exs. 1884, 1885 at pp 14151-2)

17. Sumatra.

(1) Principal Atrocities and Incidents

Sec 1 & 12 (a) June, 1945: 2,000 Japanese coolies had been brought in Oct., 1943 to Sumatra to build an airstrip. In June, 1945, when this was completed, the Japanese took no responsibility for these coolies and gave them no pay or food. At the Japanese surrender there were only 700 left alive. (Ringer, 13589)

Sec 1, 4(a) (b) January 25th: 2 airmen had bailed out of an aircraft over a landing strip. One, who landed on the strip was promptly beheaded; the second man

was hung up in a tree and was bayoneted. Palembang.

(Ringer, 13601).

Sec 1, 4(a) (c) January 29th: A burning aircraft tried to make a forced landing on a strip. Two airmen got out of the plane, but were thrown back into the flames by the Japanese at Palembang. (Ringer, 13601)

Sec 1, 4 (a) & 6 (d) June: 7 airmen were executed in Singapore. These airmen had been exhibited in the city of Palembang blindfolded. They were then sent to Singapore. (Ringer, 13602)

(2) POW and Internment Camps

Sec 1 & 12 (a) Si Rengo Internment Camp: In July, 1945, the camp was visited by Gen. Hajagi, Chief of Staff of the 25th Army. For 10 days before his visit the internees were put to work cleaning up the camp. He did not make a thorough inspection and the camp leaders were not allowed to address him. All requests for Red Cross inspections were refused. After the surrender the internees were either very thin or very swollen from pellagra. No medical officer ever inspected the camp. The food situation continued to be bad. (Leenheer - 13756)

Sec. 1, 3, 5(a)(d) & 12 (b) Banka Island: Same as previously described. (Sister Bullwinkel - 13471)

Sec 1, 3, 5(a)(f) & 12 (c) Lubukling'au - Sumatra:
In April, 1945, about 500 of the people from Banka Island

1 were moved to this camp. Very little food was provided
2 on the journey and 12 women died during the train trip
3 in Sumatra. The camp consisted of old attap buildings
4 which leaked very badly. As it was the rainy season
5 everything got wet everytime it rained. The hospital
6 accommodation was in the same condition as the huts of
7 the camp - sick patients just lay in the rain. The
8 only medical supplies issued was quinine bark. Approx-
9 imately 50 people died in this camp. The main diseases
10 were malaria and beri beri. Food consisted of a small
11 amount of rice and a few vegetables.

12 After the Japanese surrender, they were given dozens of
13 bottles of quinine tablets; disinfectants; ointments
14 and local anaesthetics. Previously there had been no
15 anaesthetics. They were also given loads of fresh
16 vegetables, fresh fruit and tins and tins of butter per
17 person. (Sister Bullwinkel - 13474).

18 Sec 1, 2(a)(b)(c)(d)(e) 3, 4(a) 5(a) (d) Palembang
19 Jungle Camp Group: Conditions same as previously de-
20 scribed. Of camp strength of 1050, 42 died in June,
21 99 in July and 135 in August. Deaths due to malnu-
22 trition. Japanese well fed throughout period and plenty
23 of clothes and food available at surrender. (Ringer,
24 13573-9)
25

Sec 1, 3, 4 (f) 5 (a)(d) (e) Pematang Siantar Gaol -

1 Northwest Sumatra: In this gaol more than 300 of the
2 550 POWs died in two years from dysentery and malnu-
3 trition. POWs expected to die were put into a special
4 cell and dying was speeded up by leaving the patient
5 outside in the sun. (Ex. 1778 at p. 13820)

6 Sec 1, 2 (a)(b)(c)(d)(e), 3, 4(a) 5(a) (f) Pakan

7 Raru Group - Central Sumatra: Conditions similar to
8 those previously described - all including sick com-
9 pelled to work long hours on railway - death rate
10 80 per month due to lack of food and heavy work.
11 From 15 June 45 every man who could walk had to work.
12 (Ex. 1769 at p. 13784)

14 18. Timor and Lesser Sunda Islands.

15 (1) Principal Atrocities and Incidents.

16 Sec 1, 4 (a) (a) 7th June: A POW Borgman, was shot
17 at Flores Island, whilst "trying to escape". Some
18 weeks later the POW doctor was forced to sign a death
19 certificate which stated that dysentery was the cause
20 of death. (Ex. 1785 at p. 13826)

21 (2) POW and Internment Camps.

22 Nil.

23 19. Wake Island, Kwajalein and Chichi Jima:

24 (1) Principal Atrocities and Incidents:

25 Sec 1, 4 (a) (a) Chichi Jima - February 45 - At

Sec 1, 3, 4 (f) 5 (a)(d) (e) Pematang Siantar Gaol -

1 Northwest Sumatra: In this gaol more than 300 of the
2 550 POWs died in two years from dysentery and malnu-
3 trition. POWs expected to die were put into a special
4 cell and dying was speeded up by leaving the patient
5 outside in the sun. (Ex. 1778 at p. 13820)

6 Sec 1, 2 (a)(b)(c)(d)(e), 3, 4(a) 5(a) (f) Pakan

7 Baru Group - Central Sumatra: Conditions similar to
8 those previously described - all including sick com-
9 pelled to work long hours on railway - death rate
10 80 per month due to lack of food and heavy work.
11 From 15 June 45 every man who could walk had to work.
12 (Ex. 1769 at p. 13784)

14 18. Timor and Lesser Sunda Islands.

15 (1) Principal Atrocities and Incidents.

16 Sec 1, 4 (a) (a) 7th June: A POW Borgman, was shot
17 at Flores Island, whilst "trying to escape". Some
18 weeks later the POW doctor was forced to sign a death
19 certificate which stated that dysentery was the cause
20 of death. (Ex. 1785 at p. 13826)

21 (2) POW and Internment Camps.

22 Nil.

23 19. Wake Island, Kwajalein and Chichi Jima:

24 (1) Principal Atrocities and Incidents:

25 Sec 1, 4 (a) (a) Chichi Jima - February 45 - At

Conference Maj-Gen TACHIBANA said that POW were to be
1 killed and eaten from time to time - 8 to 10 POW thus
2 treated. In one case TACHIBANA and Colonel KATO took
3 part in banquet. (Ex. 2056A, 2056B at pp 15032-41)
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PART II. - Summary of evidence in relation to
Treatment of Prisoners-of-war, Civilian
Internees and Inhabitants of the
Philippine Islands between December
1941 and September 1945.

Japanese atrocities in the Philippines were perpetrated from December 1941 on through the end of the war in September 1945 on the civilian population and on allied prisoners-of-war.

General

1. Aside from those who were maimed, injured and went through the ordeal of indescribable sufferings and humiliations, a grand total of 142,076 American and Philippine civilian and military persons died as a result of those atrocities (Ex 1358, R 12,384).

2. A chart prepared by the U.S. War Department showed American Armed Forces victims killed were 23,039; Philippine Armed Forces, 27,258; U.S. civilian victims, 595 and Philippine civilian victims, 91,184 (Ex 1358, R 12,384).

3. In another report the U.S. War Department found that the number of U.S. Army personnel including Filipinos murdered was 2,253. Recipients of cruelty and torture was 1,646; starved and neglected, 35,092; other sorts of mistreatments, 267 (Ex 1357, R 12,383);

1 and as to American civilians murdered 317, cruelty and
2 torture, 25; starved and neglected, 244 (Ex 1357,
3 R 12,383); and as to Philippine civilians, murdered
4 89,818; cruelty, 1,258; starved, 7; other sorts of mis-
5 treatments, 101 (Ex 1357, R 12,383).

6 4. Immediately after the liberation of the Phil-
7 lipines, roving teams comprising of military personnel
8 from the Judge Advocate's Service of the United States
9 Army were sent out to conduct investigations through-
10 out the Philippines on reported and know cases of atro-
11 cities committed by Japanese Army and Navy personnel
12 (Carpenter's Certificate, Ex 1355, R 12,378; 12,381).

13 5. Many of those cases were thoroughly investi-
14 gated in the immediate vicinity of their occurrence.
15 Witnesses who had first hand knowledge of the atroci-
16 ties were interrogated and their affidavits taken and
17 ocular inspection of the places where crimes were com-
18 mitted were invariably made and reports submitted
19 (ex 1355, R 12,378-79).

20 6. At that time there were 317 reports contain-
21 ing in all 14,618 pages; only seven of those reports
22 related to atrocities committed in other Pacific areas
23 (R 12,378). As Exhibit 1355 will give the Tribunal a
24 broad and sweeping picture of the atrocities then in-
25 vestigated as of 13 May 1946 in the Philippines, we are

attaching herewith as Appendix "A" where those atrocities reported in Exhibit 1355 appeared upon a map of the Philippines as shown on Exhibit 1536 (R 12,381).

I. Civilian Population.

7. Atrocities on the civilian population in the Philippines may be classified into wholesale murder, torture and starvation, rape, looting and wanton destruction of properties.

A. Wholesale Murder.

8. From December 10, 1941 to April 3, 1945, Japanese soldiers at Vigan in Northern Luzon, following the usual pattern of operation against innocent civilians, raided and looted private homes and killed and mistreated people.

9. About the middle of June 1942, a young woman was ordered by the puppet governor to go to the home of Col. MINI in Tagbilaran. When she refused they threatened to kill her and burn her home and forced her into a car and drove her to Col. MINI. Col. MINI tore off her clothes and threatened her. When she refused to submit to him, he tied her hands, fastened the rope to the head of the bed and raped her. The following night she jumped out of the window and succeeded in escaping to a nearby island (Ex 1399, R 12,485).

10. Nena Alban at the trial of General HOMMA

1 testified that she was a nurse in 1941 working as a
2 social worker through the American and Philippine Red
3 Cross (Ex 1364, R 12,415). She further testified that
4 during July 1942, the Japanese Army was occupying the
5 grounds of San Beda College. On the first afternoon
6 she saw four Filipinos beheaded by Japanese soldiers.
7 She later saw two more and thereafter seven more who
8 were made to kneel across a hold in the ground and were
9 beheaded. She later saw ten more beheaded and she saw
10 four Filipinos killed by judo by being thrown head
11 first on the concrete pavement. She saw other atro-
12 cities. She saw Filipinos tortured, boxed, kicked,
13 beaten with heavy wooden sticks. She saw twenty Fili-
14 pinos tied up and then tortured in many ways. When they
15 screamed or cried they were placed under the very hot
16 sun. Another group of Filipinos were placed under the
17 sun and hit in the stomach and beaten in many ways and
18 when they were sleeping water was thrown on them.
19 Four Filipinos were bayoneted right near San Beda
20 College (R 12,415-18). Filipinos were hung by a chain
21 to a tree and were beaten by Japanese soldiers who
22 passed. She saw at least eight other Filipinos receiv-
23 ing barbarous treatment. She saw other groups held in
24 the stock by the Leg, in two groups. Their hands were
25 also held in the stock. They were pushed back against

the barbed wire fence and were burned with burning cigarettes, and some were burned by pieces of flaming wood put under their armpits. Two more Filipinos were beaten to death. She saw nine or more Filipinos bayoneted through the eyes by Japanese soldiers. She saw at least seven Filipinos have their tongues pulled out by pliers (Ex 1364, R 12,418-20).

11. One early dawn in August 1942 some Japanese soldiers from Dansalan City, under the command of four officers, raided the witness's barrio, which had a population of about 2,500. They immediately began bayonetting the people. They burned down the whole barrio. It was only when the houses were afire that the people knew what was happening. In the commotion four Japanese soldiers were killed. The Japanese kept firing and bayonetting until they had completely gained control of the barrio (Ex 1404, R 12,490-1).

12. In August 1943, after an investigation of an hour, twenty-four men and three women were all tied with hands behind their backs and strung on a piece of rope and pulled to a thicket where they were beheaded. A three-month old baby was thrown into the air by a Japanese and impaled on a bayonet (Ex 1400, R 12,486).

13. From time to time a group under Colonel WATANABE made punitive expeditions through Panay Island.

1 In Barrio Lungao many Filipino civilians were question-
2 ed, killed and their bodies burned. The whole barrio
3 was burned. Children were killed (R 12,476).

4 14. On October 17, 1943 another punitive expedi-
5 tion arrived at Bataan. All civilians were investiga-
6 ted and beaten with clubs and made to walk through fire.
7 In the morning the Japanese received orders to proceed
8 and 140 civilians including two priests were beheaded
9 by Japanese soldiers. In Altavas thirty to forty old
10 people and children, and in Balete thirty men were
11 killed. A blind woman unable to flee had her clothes
12 stripped and was manhandled. Hundreds of people were
13 killed by the same expedition in Bataan, Altavas,
14 Balete, Libacao and other places (Ex 1394, R 12,477-78).

15 15. On December 18, 1943 Japanese officers and
16 enlisted men left Libacao for Iloilo City. The next
17 morning they entered Camp Hopevale which they surroun-
18 ded and entered. Sixteen Americans and three others
19 were placed under guard without food or water. On the
20 afternoon of December 20, 1943 one American woman was
21 seen kneeling with hands tied and asking for mercy.
22 This was refused. An hour later a house was found in
23 flames with twelve bodies in it, some of the victims
24 having been bayoneted and others beheaded (Ex 1393,
25 R 12,474-75).

16. In February 1944 at Malaiba, thirty-five
1 Filipinos were questioned, beaten and taken to a corn
2 field where they were bayoneted. The following day
3 fourteen dead bodies were found with bayonet wounds
4 (Ex 1396, R 12,482).

5 17. In March 1944 on the second day of the patrol,
6 prisoners reached Canangay early in the afternoon. A
7 young woman was caught hiding in the grass. The officer
8 in charge tore off her clothes while she was held by
9 two soldiers. He took her to a small hut and the
10 officer in charge cut her breasts and womb with his
11 saber. She was left lying in the hut which was set
12 afire (Ex 1403, R 12,489-90).

14 18. On April 10, 1944, six Japanese bayoneted
15 one woman. On August 27, 1944, soldiers fired on people
16 in the cockpit in Santa Cantalina, wounding one and
17 killing several. On October 20, 1944, thirty were
18 arrested and tortured. On November 15, 1944, three
19 prisoners were beheaded. On December 27, 1944,
20 several persons, after their homes were looted, were
21 tortured and on January 7, 1945, nine of the prisoners
22 were beheaded (Ex 1412, R 12,501-02).

24 19. On June 6, 1944, about 300 Japanese together
25 with Filipino Constabulary and Moro troops entered
Ranao-Pilayan and gathered the civilians. On June 7,

1 twenty prisoners were put in one house where they were
2 bayonnetted and the house set on fire (Ex 1411, R 12,500-
3 01).

4 20. At about 9 o'clock in the evening of August
5 19, 1944 the witness and others left Cebu and were
6 taken to Cordova. When they arrived there the Japan-
7 ese soldiers gathered all civilians in a central school
8 house. The women were compelled to disrobe completely.
9 Many of the men were beaten with clubs, baseball bats,
10 and rifle butts. All money and valuables were taken.
11 The next morning three men were beheaded (Ex 1388,
12 R 12, 469-70).

13 21. During August to November 1944 the Japanese
14 military had a garrison near Bogo. During these four
15 months civilians were beaten, shot, bayonnetted and
16 raped. On October 12, 1944, two women were bayonnetted
17 and a third severely beaten, two girls raped, one of
18 them by several soldiers. One victim had to live
19 with a Japanese corporal as his mistress for three weeks.
20 On October 17, the soldiers burned houses and ware-
21 houses and on the same day twenty-five were bayonnetted
22 to death (Ex 1389, R 12,471-72).

23 22. On October 1, 1944, about fifty Japanese
24 soldiers entered the hospital area at Barrio Umagos and
25 bayonnetted two Filipino guards and one civilian. Two

bedridden patients were bayoneted to death. Three
1 days later, the Japanese burned the buildings and about
2 thirty-two houses and left. The bodies of the victims
3 were later identified and buried (Ex 1409, R 12,497-8).

4 23. About 9 o'clock on December 29, 1944 a patrol
5 of about fifty entered the barrio of Dapdap. Shortly
6 after arriving at the plaza about 400 to 500 people were
7 ordered to group in families and assemble in the church
8 so that they would be unobserved from a strafing plane.
9 The people followed instructions. Some people were
10 taken out. When the church was about half empty, the
11 remaining became apprehensive. Some saw blood running
12 from a nearby shack and a few saw the Japanese soldiers
13 cleaning their bloody bayonets. Others saw that when
14 people were taken outside they were shackled with ropes.
15 The remainder were urged by one of the survivors to
16 fight and attempt to escape and he threw a rock at the
17 door guard. Many made a break for the door and were
18 machine-gunned or stabbed with bayonets. No mercy was
19 shown. A very few escaped unscathed and found safety
20 in the sea and swamps (R 12,463-4).
21

22 24. On January 16, 1945, certain American offi-
23 cers went to Dapdap, made an investigation, and dis-
24 posed of the dead bodies. Before arriving they met
25 three survivors with numerous wounds. The foul odor of

1 dead bodies filled the air. They saw many bodies in
2 a bad state of decomposition and dogs and other ani-
3 mals had eaten away large portions of the bodies.
4 Evidence shows that there were many women and chil-
5 dren in the groups. They found similar conditions
6 elsewhere. They found 100 bodies in the church grounds.
7 Dogs, pigs and chickens were eating the remains. They
8 counted 230 dead and estimated there were about 500
9 bodies in the barrio. Pictures were taken (Ex 1386,
10 R 12,466-67).

11 25. The wave of Japanese massacres reached its
12 crest during the liberation of Manila, Batangas and
13 Laguna.

14 26. In February 1945 when the Japanese knew that
15 Manila was lost the Japanese engaged in an orgy of mass
16 murder by shooting, bayonetting and burning alive all
17 prisoners in Fort Santiago (Ex 1413, R 12,502). The
18 cells were packed, doors barricaded and gasoline poured
19 and set afire. Hundreds were burned to death. Others
20 were executed. Hundreds of bodies were discovered by
21 American troops when Fort Santiago was taken. Many of
22 the civilians were able to escape the burning building
23 only to be shot by Japanese guards when they were
24 attempting to cross the Pasig River (Ex 1413, R 12,506).
25

27. Rosalinda Andoy stated in the YAMASHITA

trial that in February 1945 she went to the Manila
1 Cathedral as ordered by the Japanese and stayed there
2 one day and was taken to the Santa Rosa Church. She
3 was there with her whole family except her father who
4 had been killed by the Japanese at Fort Santiago
5 having been taken from the cathedral. They were then
6 ordered to go to Santo Domingo where immediately some
7 grenades were thrown by the Japanese. Her mother is
8 now dead, having been killed by the Japanese inside
9 the church at Santo Domingo. The witness saw her killed
10 (R 12,426-29). The witness was wounded with bayonets
11 and received thirty-eight wounds. She, her mother
12 and a person by the name of Salin were together.
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1 The witness' wounds were in different parts of her body.
2 She had ten on the left arm four on the right arm an un-
3 known number on her chest, certain wounds on her abdomen.
4 As a result of the wounds on her abdomen her intestines
5 came out. She had one wound on her back and five wounds
6 on her legs. That night the witness slept at Santo
7 Domingo beside the dead body of her mother. She left
8 Santo Domingo in the morning. When she left she saw a
9 boy child tossed up in the air and caught with a bayonet.
10 The baby was about three months' old and the bayonetting
11 was done by a Japanese (Ex. 1367, R 12,427-34).

12 28. About 200 civilians were massacred at St. Paul
13 College, Manila in 1945. About 250 people were placed
14 in the premises of the College and the doors and windows
15 shut and barred. The three hanging chandeliers were wrap-
16 ped in black-out paper with strings running from inside
17 outside the transom. Five Japanese brought in some food
18 and liquor and the people were told that they could eat
19 and drink when the Japanese left. The people rushed for
20 the candy and biscuits and in a moment there were three
21 explosions, there being grenade traps in the chandeliers.
22 The Japanese began machine-gunning and throwing grenades
23 into the rooms and corridors. Holes were blown into the
24 walls and people tried to escape. Many were killed by
25 machine gun and rifle fire while trying to escape (Ex

1368, R 12,434-46).

1 29. During the latter part of February 1945, the
2 Japanese engaged in a program of murder, looting and des-
3 truction in Lipa. One civilian woman was bayoneted to
4 death. Two groups of civilians, each having from 200 to
5 300 persons were pushed into wells where they died by
6 drowning, by crushing, or by gun fire. A group of over
7 500 civilians were bayoneted. Another group of 600
8 were assembled at the Cathedral and bayoneted. Other
9 bayonettings and murder took place. In March 1945 the
10 Japanese burned Lipa and destroyed its utilities, in-
11 cluding the water system (Ex 1370, R 12,437-39).

13 30. JAG report No. 90 on the massacre of Filipino
14 civilians on the island of Taal in February 1945 stated
15 that by 10 o'clock on February 16, 1945 the Japanese
16 had begun to burn all barrios near Taal. Sixty Filipinos
17 tried to take refuge in a ravine. Six or seven Japanese
18 threw hand grenades into the ravine killing ten to fif-
19 teen and machine-gunning the survivors. Women and child-
20 ren were blown to pieces by grenades (Ex 1375, R 12,447-
21 48).

22 31. The affidavit of Nonito Tubungbanwa stated that
23 at the barrio Salngan the first groups of Japanese sol-
24 diers had caught a large number of civilians. When they
25 left they killed all civilians and threw their bodies

into the fire burning the whole barrio (Ex 1401, R 12,48

1 32. Mariano Bayaras stated that he, as Mayor of
2 Basco, Batangas had been given a list by the Japanese of
3 persons killed there. There were seventy-four. He had
4 seen those who suffered from bad treatment. He had seen
5 them with their hands tied behind eating food without
6 using their hands. Some had broken hands, some had
7 bruised faces and one was missing an eye (Ex 1384, R
8 12,462).
9

10 33. During the latter part of February 1945, in
11 Butuan, an aged couple and their son were harvesting
12 when they saw four Japanese soldiers. The couple was
13 tied and taken while the son hid. Several days later
14 the bayoneted and beheaded bodies of the couple and
15 another Filipino were found (Ex 1410, R 12,499-500).
16

17 34. While the Japanese were occupying Calauang in
18 February 1945, the following are examples of the atrocities
19 committed. People were taken from their homes or
20 who were found in the vicinity were bayoneted to death
21 or killed with sabers. One man was shot and killed as
22 he was running away. A man, his wife and one day old
23 twins took refuge in a shelter they had built. They
24 were discovered and the man was struck with a saber and
25 killed and the baby he had been holding was killed
(Ex 1380, R 12,453).

1 35. JAG Report No. 11 stated that in February
2 1945, about 6 o'clock in the evening when seventy per-
3 sons, including patients, staff members and refugees
4 were in the building, shots were heard at the back gate,
5 and a woman came in screaming, that her child had been
6 shot. Four Japanese marines, including an officer, came
7 in and began to fire a revolver at the children. Every-
8 one lay flat on the floor except one child who was shot.
9 Through an interpreter the Japanese were advised that
10 they were in a Red Cross building. This did not stop
11 them. Dr. Venecia was shot and killed, and a volunteer
12 attendant was bayoneted when she attempted to protect
13 him, as were six other patients. This same marine went
14 through other parts of the building, killing and bayonet-
15 ting the victims. Patrocinio Abad, a movie actress and
16 refugee at the headquarters, was shot and bayoneted
17 nine times and her child killed. The carnage lasted
18 for twenty to thirty minutes, after which the Japanese
19 left. The building was burned on February 13 with the
20 bodies still in it. Records, files and safes were des-
21 troyed before they could be examined. The number killed
22 was variously estimated from twenty to fifty (Ex 1359,
23 R 12,384-89).

24 36. The Japanese entered the Pons residence in
25 Manila in February 1945 and began shooting the occupants

1 of the house. The first one shot was Mr. Pons; second,
2 Isaac; third, Mrs. Pons; fourth, Eva; fifth, Pacita;
3 sixth, Candida; eighth, Delfin; ninth, Virginia; and the
4 last was the baby. The baby was shot last because the
5 Japanese were about to leave the house when they heard
6 the cry of the baby. The Japanese returned and shot the
7 baby (Ex 1363, R 12,410).

8 37. Due to war conditions, De La Salle College was
9 not in active operation and was temporarily used by the
10 Japanese as a hospital until January 1945 when certain
11 eminent Filipinos, seventeen lay Christian brothers,
12 seven servants and a refugee priest took residence there
13 Shortly thereafter an unidentified number of Japanese
14 marines or navy men occupied a portion of the first
15 floor (R 12,411-12). On February 10 the officer in-
16 structed the soldiers to murder all the people in the
17 college and they began shooting and bayonetting. Many
18 took refuge in an improvised air raid shelter, but were
19 ordered to leave and struck down by guns, lined up and
20 killed. There was evidence that attempts had been made
21 to rape some of the victims. On February 13 the Japan-
22 ese returned and there is evidence that some had inter-
23 course with a corpse. That evening the Japanese came
24 back and kicked the bodies to find out if they were
25 still alive. Attempts were made to burn the south wing

1 of the building and a Christian brother trying to extinguish
2 the flames, was seen and killed (Ex 1363, R 12,412-13).

3 38. Bernardino Calub, house boy of the surviving
4 eye witness was tied to a pillar. The Japanese then pro-
5 ceeded to cut off his genitals and thrust his severed penis
6 in his mouth (Ex 1366, R 12,422-24).

7 39. On February 6, 1945 all houses in the vicinity
8 of the German Club, then managed by a group of German citi-
9 zens, were surrounded by Japanese Naval Ground Forces. The
10 district was then being bombarded and shelled. From Feb-
11 ruary 7 to 10, there were at least 500 civilians who took
12 shelter underneath the Club in a 4-foot space between the
13 concrete floor of the Club and the ground. They stayed
14 there until February 10 leaving only on secret trips for
15 food and to go to the latrine. About 10 o'clock on Feb-
16 ruary 10 the Japanese surrounded the Club and forbade any-
17 one to leave the shelter. While guarding the victims with
18 aimed rifles, the Japanese built an inflammable barricade
19 completely surrounding the Club and hemming in the victims.
20 Gasoline was poured over this and ignited. As the heat
21 from the flames mounted many ran out and tried to leap
22 over the barricade. Most were bayoneted and shot. Some
23 women were raped. After they were raped, their hair was
24 ignited with gasoline and the breasts of some of them were
25 cut off (Ex 1365, R 12,422-25).

40. On February 11, 1945 the Japanese came to Santo Tomas, Batangas, and went from place to place stealing, killing many inhabitants and burning the dead and wounded. Three of the victims were subjected to attempted or actual rape, and 194 residents were murdered. (R 12,443). At one home there were between sixty-five and seventy people. About twenty-five were taken to a cemetery. Three of the men were taken to a latrine, bayoneted and thrown in. Another group of fifty were taken from their hiding place, bayoneted, stabbed, doused with gasoline and set afire. Another group of fifty, after being shown the bodies of twenty killed, were stabbed and burned by gasoline fire. In one instance, the Japanese were chattering and laughing while the bodies burned (Ex 1373, R 12,444-45).

41. On 12 February 1945 witness was among 2,000 who were forced to gather in the Catholic Church. They were blindfolded and their hands were tied. After witness was able to uncover his eyes he saw bodies stuck five feet high in the room. There were about 500 of them. None of the 2,000 civilians in the Church was armed (Ex 1381, R 12,454-56).

42. On February 16, 1945 about 175 civilians were assembled in one house in the barrio of Mambug, Municipality of Cuenca, Batangas. The Japanese took the men out in groups of five and none were seen again. On February

1 13, 1945 fifty-two civilians, including two women, were
2 put into a house and each victim was held by Japanese
3 while three others bayoneted them. The bodies were thrown
4 into a well. Only two escaped (R 12,448-49).

5 43. On March 11, 1945 ninety civilians were taken
6 from a shelter and imprisoned in a tunnel. On March 19
7 they were ordered to come out. As they left they were
8 bayoneted and shot. Six escaped (Ex 1376, R 12,448-50).

9 44. On February 17, 1945, sixty-three civilians had
10 taken refuge at the home of Dr. Moreta in Manila. At
11 noon about twenty Japanese marines entered and separated
12 the men from the women. Grenades were thrown into the
13 rooms where the people were segregated. Many women were
14 bayoneted, stabbed or shot. No one witnessed any rape,
15 but the bodies of several of the women showed indication
16 of violation (Ex 1360, R 12,404-06).

17 45. On the morning of February 28, 1945 Japanese
18 army men stationed at Bauan, Batangas notified all resi-
19 dents of a mass meeting at the Catholic Church and that
20 all must assemble. Guards were placed on all roads lead-
21 ing from the town. By 10 o'clock everyone in the village
22 had congregated at the church, where men and women were
23 separated and the women taken to the elementary school.
24 The men had to remain in the church, were searched, and
25 their property taken. They were made to sit in the pews

and were counted, there being a total of 328 men. About
1 1 o'clock the men were marched in groups of 100 to the
2 basement of the house of one. The doors were closed.
3 There was an explosion which either killed or wounded
4 most in the basement. Those not killed by the explosion
5 were shot and bayoneted as they attempted to escape. A
6 few did escape (Ex 1374, R 12,445-47).

8 46. Throughout January, February and March 1945, the
9 Japanese carried out a program of burning and killing in
10 San Jose. At least 107 Filipinos were killed; many were
11 tied and bayoneted. Some of the bodies were mutilated;
12 the hands and feet of one victim were cut off and the right
13 hand of another was severed. The burned and bound body
14 of one man was found tied to a post (Ex 1377, R 12,450-51).

15 47. On March 1, 1945, Luis Saban and a companion
16 were taken by sixty Japanese to the bank of the Tagburos
17 where they joined approximately thirty-five Filipino
18 prisoners, among whom were women and children. These
19 prisoners were divided into three groups. In one group
20 of twenty, Saban was struck by a saber and bayoneted.
21 When he regained consciousness the Japanese were gone and
22 all other POWs were dead (R 12,403).

23 48. About the same date approximately 100 Japanese
24 soldiers were seen with approximately seventy Filipino
25 civilians, including women and children, near the Tagburos

DURING Filming

PAGES 404-415

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1 a girl's skirt open from its bottom to her hips with a
2 slask (R 12,524).

3 "Kicking girls as they lay prostrate on the
4 floor was a common occurrence and there were instances
5 where a girl was dragged away, her attacker grasping
6 her leg and pulling her along on her back (R 12,524).

7 "A few were able to escape the common fate by
8 slaiming they were menstruating, although demonstrative
9 proof was usually required and was sometimes followed
10 by a blow with a rifle butt. (R 12,525)

11 "One girl accompanied a particular Japanese
12 quite willingly, saying that he was her sweetheart and
13 she 'had already promised him that' while some others
14 acquiesced without resistance solely because of fear
15 and their captors' promises of freedom if they would
16 submit quietly (R 12,525).

17 "A fourteen year old British girl was taken
18 with her sister, pushed and kicked along the corridor to
19 another room and raped at least four times, was allowed
20 finally to return to her room, bleeding and torn. Having
21 a light complexion she was favored and, in fact, the
22 white girls were searched out and segregated (R 12,525).

23 "A Turkish woman, forty years of age, success-
24 fully and resourcefully dissuaded a would-be attacker
25 by claiming that she was too old and removing and

1 showing her false teeth to prove it. She then kept
2 her daughter safe by hiding her underneath her skirt
3 (R 12,525).

4 "In the face of pointed weapons, the sheer
5 determination of an elderly friend protected a young
6 mother with a child in her arms from being taken
7 (R 12,525).

8 "Three prostitutes told their fellow captives
9 that they would submit to the Japanese and thus attempt
10 to protect the younger girls and married women. Some
11 of the victims clearly felt grateful for the protection
12 thus afforded (R 12,526).

13 "At the Miramar, an officer took a fifteen
14 year old Filipino girl to his room, asked her to go to
15 bed and when she refused he proposed that she marry him.
16 This she also refused, whereupon he told her she was no
17 good and sent her back to the Bay View Hotel (R 12,526).

18 "No such incidents seem to have occurred
19 during the daytime, although thirst and hunger kept these
20 victims in acute discomfort. On the second day one
21 group was brought a pail of dirty water which was parti-
22 ally spilled on the floor in their haste to drink. Such
23 spilled drops were eagerly licked off the floor. The
24 drinking water supply was also supplemented by water
25 from the toilets, and for food they received a few

biscuits (which were thrown on the floor), a small can
1 of fish and some vitamin pills. This was to serve fifty
2 people. Another group, twelve in number, received a
3 pail of water, a box of crackers, a kettle of hot tea,
4 some sugar and some vitamin pills. Also given to them
5 were some tennis shoes. Except for the molestations,
6 these women felt they had been comparatively well treated
7 and apparently it was because one of the Japanese had
8 previously fallen in love with a girl in that room.
9 Old biscuits and salty water were the lot of a less
10 fortunate part of twenty (R 12,526-7).
11

"In the main dining room on the first floor of
12 the hotel two or three ladies of the Red Cross set up
13 an aid station for the sick and wounded on 10 February
14 and during the afternoon of that day from two hundred
15 to two hundred and fifty women and children were brought
16 there from the rooms upstairs. This refuge was but tem-
17 porary, however, and during the following nights of cap-
18 tivity girls were not only taken from the dining room
19 but some were raped there among their fellow captives
20 (R 12,527)
21

"As if apace with the steadily mounting battle
22 outside, the attacks and terrorism in the hotel rose to
23 a crescendo during the third night and fourth morning
24 of captivity. A Japanese officer known as TERAMOTO
25

1 told one lady, early in the morning of 13 February,
2 that he was going away to fight the Americans and to
3 die, and that before he left he wished to have inter-
4 course with her daughter as his last worldly pleasure;
5 others stated that they constituted a 'suicide detail'
6 and behaved even more brutally than before." (R 12,527)

7 66. In the early days of Japanese occupation in
8 Manila, according to the testimony of Nena Alban in the
9 Homma trial, while she was walking on one of the princi-
10 pal thoroughfares of that city, she saw naked Japanese
11 soldiers standing on the corner. She saw two of them
12 rolling in the street (Ex 1423, R 12,537). When she
13 came near she saw two Filipino women pause, and she
14 saw they were abused by the Japanese. The Japanese
15 took hold of the women's legs. Nena Alban tried to get
16 away from the place as she was afraid the Japanese would
17 see her. When she looked back later the Japanese were
18 still using the girl (R 12,537).

19 67. In January 1942 in Manila two daughters of
20 a Mrs. Webb had been forced by a Japanese after a
21 beating. The girls were told that they would be killed
22 if they did not give in. An examination at the hospi-
23 tal showed that the girls were really raped (Ex 1426,
24 R 12,553-4)
25

68. In January 1942, at Bansic, Hermosa, Bataan,

1 Celestina de la Rosa tried to struggle when she was
2 threatened with a fixed bayonet. The Japanese then
3 used her. A number of Japanese did the same thing.
4 The Japanese took her jewels. She later became preg-
5 nant and was delivered of her child (Ex 1424, R 12,541-
6 3).

7 69. On 10 January 1942 in the barrio of Sampaloc,
8 Talaver, Nueva Ecija, Francisca Bernardo de Luna, a
9 pregnant woman about to deliver was assaulted with the
10 aid of the bayonet. They boxed her in the face, on the
11 arms, on the thighs and when she was laid prostrate on
12 the ground she was raped. The assailant was a Japanese
13 Captain with a very long sword (Ex 1429, R 12,547-8).
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1 70. In February 1945, at Obando, Katan-
2 gañan, the niece of Juan Etuijera was raped by the
3 Japanese then was bayoneted in the abdomen, and
4 then thrown into the fish pond. She was one of
5 nine who were all raped, two women were married.
6 The niece of Etuijera died later. The victim was
7 bayoneted in the abdomen and her intestines came
8 out (Ex 1427, R 12,545-6).

9 71. Rosa Kelalong described how in Feb-
10 ruary 1945, she saw Japanese soldiers inside the
11 Manila Cathedral dragging girls outside of the
12 church which was filled with between 4,000 to
13 5,000 people (Ex 1434, R 12,556-7), and also saw
14 two Japanese raping those women right there in
15 the Cathedral. One woman became pregnant
16 (R 12,557).

17 (D) Wanton Destruction of Property.

18 72. During the liberation of Manila,
19 Japanese set fire and destroyed buildings beyond
20 military demand. In February 1945, Vicente Arias
21 saw a group of soldiers set fire to the North
22 Carriedo Street burning a large number of buildings
23 (Ex 1430, R 12,548-50).

24 73. Dominador Santos heard an explosion
25 twenty minutes after the Japanese went into the

1 building. The explosion was followed by fire
2 (Ex 1432, R 12,552-5).

3 74. Amende Alvarez saw the Japanese
4 trying to break down the door of the bank of the
5 Philippine Islands Building but could not break
6 it. He heard a command given and he saw a
7 soldier bring back rags on which gasoline was
8 poured. The rags were thrown into the building.
9 One soldier carried a long pole with gasoline
10 on the rags on it, lit the end of the pole and
11 threw it inside the building. The whole building
12 was burning when the witness left (Ex 1433,
13 R 12,554-5).

14 75. Rose Kalalong saw Japanese enter
15 into the Manila Cathedral where 4,000 to 5,000
16 people were crowded in the Cathedral (Ex 1434,
17 R 12556-8). When she left the Cathedral she saw
18 it burning. There had been an explosion from
19 inside the Church. There was no American bombing
20 or shelling yet. She saw drums of explosives
21 placed around the Cathedral (R 12,558).

22 76. Juan P. Juan saw the Red Cross
23 Building burst into flame after Japanese soldiers
24 were seen around the immediate vicinity thereof.
25 The building had not been hit by shell fire

1 before it burned (Ex 1435, R 12,559-60).

2 77. Estimate of property losses in the
3 Philippines due to Japanese aggression on Dec-
4 ember 8, 1941, to June 4, 1945, was placed as
5 2,740,000,000 pesos, which included 270,000
6 private structures throwing 1,500,000 people
7 homeless, about 1,200 government buildings,
8 about 15,000 school buildings or a total des-
9 truction of 295,000 or 300,000 buildings
10 (R 12,561-2).

11 II. Japanese Knowledge or Order of Atrocities.

12 The following evidence consisting
13 of documents captured from Japanese troops in the
14 field were introduced to show the Japanese Com-
15 mand either ordered or knew of the atrocities.

16 78. Exhibit 1438A, a bound mimeographed
17 and handwritten file of the Manila Navy Defense
18 Force and the Southwestern Area Fleet Operation
19 orders from 23 December 1944 to 14 February 1945
20 which directed, among others, that:
21

22 "4. Be careful to make no mistakes
23 in the time of exploding and burning
24 when the enemy invades.

25 "6. When killing Filipinos,
assemble them together in one place as

1 far as possible, thereby saving ammunition
2 and labour.

3 "Disposal of the dead bodies will
4 be troublesome, so either assemble them
5 in houses scheduled to be burned or
6 blown up or push them into the river."

7 (Ex 1438A, R 12,566-7)

8 79. Exhibit 1438B, extracts from a diary
9 dated 24 October 1944 to 31 December 1944 of
10 Warrant Officer YAMAGUCHI, Yoshimi assigned to
11 10th Tank Regiment under the command of Lt. Colonel
12 HARADA, Kazuo which revealed that:

13 "We are ordered to kill all the males
14 that we find. Mopping up the bandits
15 from now on will be a sight indeed."

16 (R 12,567)

17 "Our aim is to kill or wound all the
18 men and collect information. Women who
19 attempt to escape are to be killed. All
20 in all, our aim is extinction of per-
21 sonnel." (R 12,567-8)

22 80. Exhibit 1439, extracts from a cap-
23 tured diary of Private First Class MATSUOKA,
24 Itoji, 64th Infantry Regiment, 23rd Division,
25 dated 19 December, presumably 1944 to 27 March

1 1945 where on the 27th March 1945 entry of that
2 diary revealed that:

3 "Taking advantage of darkness, we
4 went out to kill the natives. It was
5 hard for me to kill them because they
6 seemed to be good people. Frightful
7 cries of the women and children were
8 horrible. I myself stabbed and killed
9 several persons." (R 12,569)

10 81. Exhibit 1440, extract from the cap-
11 tured diary kept by a Japanese soldier dated 24
12 April 1944 to 23 January 1945 where in the Nov-
13 ember 1944 entry it was revealed that:

14 "I cannot remember the date, but we
15 received information from Lipa MP Squad
16 that approximately 30 guerillas attacked
17 Lipa Air Depot with hand grenades and
18 other explosives, and 11 of them were
19 captured. The MP squad requested that
20 the GIGO Force dispose of the captured
21 guerillas. During the night we dug holes
22 here and there in the coconut grave near
23 the graveyard and bayoneted and killed
24 them. I noticed that some of them were
25 small like children. They had no strength

1 at all since they had not eaten for the
2 last three days since their capture by
3 the MP unit. Their hands were tied be-
4 hind their backs, and they stood in front
5 of the holes with their heads bent
6 slightly downward. It seemed that their
7 minds were already made up that they
8 would be killed, and they said nothing.
9 Their hair was very bushy. I was irri-
10 tated. Later, one by one the members
11 of the section bayoneted the guerrillas.
12 The first one was bayoneted by SUZUKI,
13 Yukimatsu. My turn was the second one.
14 The moment I bayoneted the victim he
15 cried 'Ah' and fell into the hole behind
16 him. He was suffering but I had no
17 emotion at all. That may be because I
18 was so excited. After bayonetting them,
19 we covered them with soil and laid
20 coconut leaves on top. We returned to
21 the company singing a military song at
22 2200 hours." (R 12,570-1)

23 82. Exhibit 1441, extract from a cap-
24 tured notebook diary belonging to a member of
25 Akatsuki 16709 Force dated 31 July 1944 to 21

February 1945, revealed that:

1 "7 Feb 45 - 150 guerrillas were disposed
2 of tonight. I stabbed 10.

3 "9 Feb - Burned 1,000 guerrillas tonight.

4 "10 Feb - Guarded approx. 1,000 guerrillas.

5 "13 Feb - Enemy tanks are lurking in the
6 vicinity of Banzai Bridge. Our attack

7 preparation has been completed. I am now

8 on guard duty at Guerrilla Internment

9 Camp. While I was on duty, approx. 10

10 guerrillas tried to escape. They were

11 stabbed to death. At 1600 all guerrillas

12 were burned to death.

13 "8 Feb - Guarded over 1,164 guerrillas

14 which were newly brought in today."

15 (R 12,571-2)

16
17 83. Exhibit 1442, excerpt taken from a
18 loose, handwritten sheet containing battle reports,
19 dated 13 April, presumably 1945, issued by the
20 Commanding Officer of the IJICHI Unit, where it
21 was stated that:

22 "4. Number of rounds of ammunition
23 expended - 28 rounds (for killing natives).

24 "5. At 1200 hours today, 22 natives
25 passed in the vicinity of company

1 positions. All were either stabbed or
2 shot to death by the remaining personnel
3 (those who returned from suicide assault
4 mission, led by Superior Pvt. HAYASHI of
5 headquarters)." (R 12,572-3)

6 84. Exhibit 1443, extract from a bound,
7 printed and mimeographed file containing censored
8 matters entitled "Police Affairs B-No. 2 (Incoming
9 Reports on Public Order)" dated 1 July 1943 to
10 12 January 1944, issued by 14th Army Military
11 Police Unit, owned by Tacloban MP Section, classi-
12 fied "Military Most Secret," marked "To be kept
13 for 5 years;" seals read NAKANO (*1) and HIGASHI-
14 HIRA (*2). 978 pages, where it was revealed that:

15 "On 10 July, the Japanese troops
16 gathered all the men and boys at the
17 church and questioned those connected
18 with the guerrilla unit. They had them
19 drink water and hit them on the cheeks.
20 It was pitiful, and I couldn't watch.
21 They also shot them and speared them
22 and speared them to death with bamboo
23 lances. Indeed the Japanese Army does
24 extreme things." (R 12,573-4)
25

85. Exhibit 1444, excerpt from the bound

1 handwritten notebook diary dated 14 November 1943
2 to 17 April 1945 belonging to a member of the
3 FUJITA (*1) Unit 3330 Force (T.N. - 116 Fishing
4 Bn) 123 pp. where it was revealed that:

5 "13 Feb - For security reasons, all
6 inhabitants of the town were killed and
7 all their possessions were confiscated.

8 "17 Feb - Because 90% of the Fili-
9 pinos are not pro-Japanese Army
10 Headquarters issued orders on the 10th
11 to punish them. In various sectors we
12 have killed several thousands (including
13 young and old, men and women, and
14 Chinese). Their homes have been burned
15 and valuables confiscated." (R 12,574-5)

16 86. Exhibit 1445, extract from the cap-
17 tured, bound diary notebook dated July 1944- 22
18 May 1 5, of an unidentified Japanese soldier
19 where it was revealed that:

20 "Feb 45 - Every day is spent in hunting
21 guerrillas and natives. I have already
22 killed well over 100. The naivete I
23 possessed at the time of leaving the
24 homeland has long since disappeared. Now
25 I am a hardened killer and my sword is

always stained with blood. Although it
is for my country's sake, it is sheer
brutality. May God forgive me! May my
mother forgive me!" (R 12,575-6)

87. Exhibit 1446, a captured Japanese
"Memorandum concerning the training of all officers
and men for the prevention" dated 18 November 1944
where the practice of cannibalism was admitted
and confirmed:

"2. Although it is not prescribed in
the criminal code, those who eat human
flesh (except that of the enemy) knowing
it to be so, shall be sentenced to
death as the worst kind of criminal
against mankind." (R 12,576)

88. Exhibit 1447, extract from statement
made by a prisoner-of-war YANAGIZAWA, Eiji who was
captured by Australian troops at Moresupe where
the following was revealed:

"Cannibalism. On 1 Nov 44 in a speech
to his troops, Maj Gen AOTU, 41 Division
Infantry Group commander, stated that
troops must fight the Allies even to the
extent of eating them.

"On 10 Dec 44 an order was issued from 18

1 Army Headquarters that troops were per-
2 mitted to eat the flesh of Allied dead
3 but must not eat their own dead. At
4 the time rumours were prevalent that
5 troops were eating their own dead. 15
6 Dec 44 four men were executed by order
7 of Maj MORIMOTO, commanding officer of
8 2 Battalion for disobeying this order."
9 (R 12,577)

III. Prisoners-of-war.

1 89. From the time of the surrender up to
2 the liberation, allied prisoners-of-war in the
3 Philippines were subjected to all kinds of indigni-
4 ties, torture, barbarities; were starved and not
5 afforded proper medical attention.

6 (A) The Bataan Death March.

7 90. The most infamous of the countless
8 atrocities perpetrated on them was the Death March
9 on Bataan. About 11,000 American (R 12,741) and
10 53,000 (R 12,596) Filipino troops under Major
11 General Edward B. King (R 12,592) surrendered at
12 Bataan in April 1942 on the promise that they would
13 be accorded humane and honorable treatment (R 12,739).
14 Notwithstanding the fact that sufficient motor
15 transportation and gasoline had been reserved by
16 Major General King to transport all the American
17 and Filipino troops out of Bataan, the Japanese com-
18 pelled the gaunt, tired survivors of Bataan to march
19 about nine days under the scorching sun, without
20 food or water, a distance of 120 kilometers
21 (R 12,579).
22

23 91. Moody testified that they were not pro-
24 vided with food or water. They had to drink out
25 of caribou wallows and ditches along side the highway

1 and what food they got was thrown to them by
2 Filipinos (R 12,579). Sometimes they would break
3 out and run into the fields and gardens and get
4 sugar cane stalks and some Philippine vegetable
5 called "sinkama". He related how very badly they
6 were treated throughout the march by the Japanese.
7 They were beaten, bayonnetted, starved or kicked
8 with hob-nail boots (R 12,579-80). Men lagging
9 behind in the march were immediately bayonnetted
10 and beaten (R 12,580). He mentioned the case of
11 Sgt. Jones who from drinking the muddy caribou
12 water had severe dysentery and was compelled to
13 stay behind on the roadside. Jones was bayonnetted
14 several times and beaten and he died (R 12,580).
15 The roadside was littered with dead bodies, said
16 Moody, and of the many dead men he recognized many
17 of his friends. He also saw dead women, one of
18 whom was pregnant, including a couple of priests.
19 Moody further described how Japanese troops would
20 come towards them and give them a terrific beating,
21 stabbing and bayonetting. Many times he could see
22 ahead his friends being stabbed and beaten and hear
23 groans from some of his comrades being beaten in the
24 rear.
25

92. Colonel Stubbs, member on the staff of

General King, also took part in the Death March
1 and among the many incidents he saw were men shot
2 and bayoneted when they were too tired to walk.
3 He saw five Japanese guards start to bury five
4 Filipino soldiers in uniform alive after throwing
5 them in a latrine (R 12,741). He saw a Filipino
6 in uniform come dashing out of the work-house and
7 he had to defecate badly. A Japanese guard made
8 him eat everything he had eliminated (R 12,742).
9 He saw a Filipino spread-eagled staked on the
10 ground and was sure that the Filipino's hip joints
11 were dislocated. Stubbs stated that the prisoners
12 did not offer any resistance or provoke their
13 guards in any manner whatsoever. "They were
14 simply so weak that they could not keep up on the
15 terribly long march. Most of them knew what was
16 awaiting them if they fell, and they continued
17 until they fell unconscious." (R 12,743)

19 93. Ingle testified that he was ill of
20 bronchial pneumonia and malaria and had a tempera-
21 ture of 105.6, lying on his cot when they
22 surrendered at Bataan. Nevertheless the Japanese
23 took his watch, ring and everything in his bill-
24 fold except a couple of pictures and ordered him
25 to join the Death March for nine days. For the

1 first five days they did not receive a drop of
2 food or water or rest from the Japanese. Many did
3 not get any water at all. The only available water
4 was from an occasional artesian well or a caribou
5 well. Water in ponds and ditches was so polluted
6 it was dangerous to drink, and that from the
7 artesian wells was so small that when a number of
8 men tried to get it the troops would fire into the
9 group (R 12,610-3).

10 94. The Filipino civilians tried on many
11 occasions to give food to the men that were mar-
12 ching. They did so at the risk of their lives,
13 and many of the civilians did lose their lives
14 trying. Otherwise there was only an occasional
15 sugar patch. They continued marching and sitting
16 for hours in the hot sun, and continuous searching
17 and harassing, the shooting of friends and buddies
18 out of the column for no reason was a continual
19 strain (R 12,613-4).

20 95. Ingle stated that there was an Episcopa-
21 lien chaplain, Captain Day, on the march. Chaplain
22 Day was in the same group of one hundred as the
23 fitness. He had drunk some water from a pond or
24 stream and had contracted dysentery, and it was
25 necessary for him to drop out every few minutes.

His usual procedure was to go out of the line, take
1 care of his needs, and come back into the column.
2 On one occasion as he did this, a Japanese guard
3 spotted him and charged up and wounded him with a
4 bayonet. The witness and several others helped him.
5 The witness personally helped carry him until the
6 next rest period, and in the following days took
7 turns helping the chaplain. In one day 16 Americans
8 out of his group were taken from the ranks, bayo-
9 netted and killed. Chaplain Day was given no
10 medical treatment, and if they had been unable to
11 assist him he would have been left by the roadside
12 because the Japanese did not tolerate anyone not
13 being able to walk (R 12,615-6).
14

96. Ingle further testified that he could not
15 accurately say how many shootings he saw during the
16 march; it became so commonplace that they lost
17 track. Usually those killed were rolled to the
18 roadside. On some occasions some were buried, but
19 most were left where they were killed. On the sixth
20 day they were told that if they turned in their
21 watches, rings, and valuables they would be given
22 food. A few of them still had valuables, but those
23 that did were glad to give them up for food. They
24 received a teacupful of boiled rice only. No salt
25

1 was used. On the ninth day they were informed that
2 they did not have to walk any more, but would ride.
3 The relief was short-lived. They were crowded into
4 small Filipino railroad cars, 100 men to a car.
5 Some of the men never touched the floor throughout
6 the trip. Several fainted from lack of air, and
7 could not be treated because of close quarters.
8 There were four guards in the car, and they kept
9 the space directly in front of the door. Whenever
10 the train stopped, the Filipinos tried to give
11 them food and water, but the guards ran them away.
12 (R 12,617-8).

13 (B) Bataan General Hospitals Nos. 1 & 2

14 97. On April 9, 1942, American and Filipino
15 forces in Bataan surrendered, those at Corregidor
16 and Fort Drum did not surrender until six weeks
17 later (Ex 1451, R 12,601). During this time
18 Japanese artillery continually fought with the
19 American guns on the other points. The Japanese
20 placed field pieces and tanks close to the hospital
21 where there were 7,500 Americans and 7,000 Filipino
22 patients. They were so close that it was obvious
23 that the Japanese intended to use the hospital as a
24 shield against American guns, particularly since
25 the patients could have been evacuated. One patient

1 saw 23 guns from his place in the hospital. When
2 complaints were made to the Japanese, the officers
3 replied that they would not be moved until Corregi-
4 dor surrendered. As a result at least five
5 American patients were killed and many others
6 wounded by American gunfire. After the surrender
7 the Japanese confiscated medical supplies and almost
8 all food, leaving only some fruit juices, canned
9 milk and bad rice. Japanese soldiers were eating
10 meals which included vegetables and meat. An
11 American nurse was raped by Japanese without disci-
12 plinary action. American prisoners were forced to
13 haul Japanese field pieces for use against Americans
14 on Corregidor. Filipinos unable to work were
15 forced to join the death march and personal effects
16 were looted (R 12,602-3).

17 (C) Camp O'Donnell

18 98. Camp O'Donnell was the end of the Bataan
19 Death March but it was also the beginning of
20 another series of indignities, tortures, starvations
21 and neglects which cost the lives of 1,500 American
22 and 26,000 Filipino prisoners of war between the
23 period of April, 1942 and December, 1942 (Ex 1450,
24 R 12,597). As described in Exhibit 1450, which is
25 JAG Report 75, "Upon arrival they were searched and

1 some were killed. Other groups of POW's were
2 executed. Most deaths in O'Donnell were due to
3 dysentery and malaria, coupled with malnutrition
4 and many could have been prevented by adequate food,
5 shelter, clothing, water, sanitation and medication.
6 Quarters were overcrowded and inadequate. Straddle
7 trench latrines only were available and many POW's
8 were too weak to use them. No screens were provided
9 for the kitchen and food was contaminated and in-
10 adequate. It consisted only of a bowl of rice
11 sprinkled with salt, camotes, with an occasional
12 watery soup. This was later increased. The death
13 rate mounted to 60 per day during the first two
14 months. At first the POW's were not allowed to use
15 water for bathing and hospital conditions were most
16 unsanitary. There were no beds or bedding and
17 patients were crowded with no protection from in-
18 sects and heat. Requests for medicine and equipment
19 were refused. More than 1,500 Americans died be-
20 tween April 10, 1942 and December 1942, and about
21 26,000 Filipinos died in that period (R 12,598-9).

23 99. POW's were forced to stand in the hot
24 sun without hats for hours for minor violations.
25 Others were beaten when they were exhausted while
work. Beatings of all kinds were common

1 occurrences. Many POW's had to bury the dead,
2 build fences and dig latrines, though physically
3 unfit to work. On arrival they were forced to
4 place all personal matters on blankets and the
5 Japanese took everything of value. The POW's were
6 forced to bury their own dead in mass graves with-
7 out proper means of identification. Sixty-five
8 dead were listed as unknown. On some occasions
9 they were forced to bury live men and on some
10 occasions they were not given permission to bury
11 the dead for several days. On several occasions
12 the Red Cross and other charities tried to bring
13 medicines and supplies but they were turned away.
14 When supplies were brought in they were confiscated
15 (R 12,598-601).

16 100. Colonel Stubbs testified that he became
17 group commander at Camp O'Donnell (R 12,745). He
18 said that almost 16 percent of the Americans in the
19 camp died the first five or six weeks and there were
20 approximately 9,000 Americans at the time (R 12,746).
21 Between the time he had left O'Donnell he had buried
22 over 1,500 in the cemetery (R 12,746). Stubbs also
23 stated that they received approximately 300 grams of
24 rice per man per day, and throughout his stay there
25 men stood in line for hours for a drink of water
(R 12,746).

(D) Iloilo Camp

1 101. Lieutenant Colonel Franklin Fliniaux
2 testified he was Chief of Staff of the 61st Division
3 on Panay Island when they surrendered on May 27,
4 1942 (R 12,640). There were 32 U. S. officers and
5 enlisted men and approximately 700 Filipino officers
6 and enlisted men. On the day following the surrender
7 he was forced to take three other U. S. officers and
8 a group of Filipino officers and enlisted men into
9 the hills of Panay and show where they had hidden
10 or stored ammunition and gasoline. He led a party
11 of Japanese of about 33. He took them in the hills
12 but decided that he was not going to lead them to the
13 dumps. He led them in circles, and throughout the
14 trip the Japanese officer told him continually that
15 they would not eat or drink until he was shown where
16 U. S. food was stored. It took six days for the
17 round trip. During the six days they were given no
18 food or water as a ration from the Japanese in
19 charge. The food they received was that left in
20 the mess kits of the Japanese soldiers. The food
21 was approximately 150 grams of rice per day. The
22 water was found in puddles on the way or in caribou
23 wallows. They averaged about 25 miles per day
24 walking. There were about 30 Japanese guards, who
25

1 ate well from their field ration, and in addition had
2 bulk rice, dried fish, pickled plums, and other
3 things (R 12,643).

4 102. After the trip was completed they returned
5 to the Calinog Provincial Building, where they had
6 started and found that the officers had been trans-
7 ferred to the Iloilo Provincial Jail. They were
8 immediately taken by truck to the jail, where they
9 stayed for about 44 days. Treatment was very severe.
10 The ration consisted of rice and worms, and once a
11 week an eggplant was issued. They were quartered in
12 the cells of the jail, sleeping on double-deck wooden
13 beds full of vermin. There was no latrine available
14 for night use. All requests were refused. Due to
15 past living conditions and general state of health,
16 many of the prisoners had beri-beri and dysentery,
17 and the stench was terrible. They had no mats or
18 pillows. The guards were from the military police
19 unit of Iloilo City. The main job in Iloilo was clean-
20 ing up the city. They also loaded manganese ore from
21 the dock, carrying two baskets like coolies
22 (R 12,644-5).

23 103. Prisoner treatment, both American and
24 Filipino, was very severe, particularly the beatings.
25 The treatment was probably more damaging to the

1 Filipinos than to the Americans. Among the Fili-
2 pinos, he saw the Japanese extract fingernails,
3 place hot coals under the chin of a prisoner, or
4 under their feet. Officers and enlisted men,
5 regardless of rank, were treated the same. The
6 witness himself was beaten on many occasions with
7 ordinary steel knuckles, bamboo poles, and two by
8 fours (R 12,647-8). He was beaten all over his
9 body. On many occasions it seemed they did not
10 need a reason to beat. Other times they were
11 trying to gain information about the whereabouts
12 of Filipino soldiers who had not turned in or had
13 deserted prior to the turn-in order. On one
14 occasion Filinau was taken to the torture chamber,
15 which was empty of furniture. A captain and a
16 warrant officer both asked how Iloilo City was
17 destroyed. It had happened that at the time of
18 the invasion of Panay the invading force had to go
19 through the city of Iloilo. The city was defended
20 and was destroyed by the use of artillery and air
21 bombing. These men blamed the witness personally
22 for lighting the match which burned the city.
23 They forced him to stand at attention, and one with
24 a bamboo and the other with a two by four beat him,
25 across the chest, the ribs and back, and finally

1 hit him in the head with the two by four, render-
2 ing him unconscious. He was carried out by
3 American officers, and water was thrown on him to
4 revive him. While he was on the ground, both
5 Japanese were kicking him (R 12,648-9).

6 (E) Corregidor Fortress.

7 104. The island fortress of Corregidor
8 finally surrendered on 6 May 1942. The appalling
9 living conditions of between 8,000 to 10,000
10 American and Filipino troops that surrendered there
11 was described by Lieutenant Colonel Montgomery.
12 Since his surrender he had been in six temporary
13 camps, seven permanent ones, and seven prison
14 ships, two of which were bombed. On the island
15 there was an area called the 92nd Garage. The
16 place was terribly crowded, and they had to sleep
17 in shifts. There was no protection from the sun
18 during the day nor from the rain, with the ex-
19 ception of an improvised tar paper shack that some
20 of the men had managed to put up (R 12,678). The
21 sanitary conditions were very poor and in conse-
22 quence the place was swarming with flies. From
23 early morning until evening the men were kept busy
24 fighting them. There was one water tap which gave
25 a small trickle of salty, unpalatable water.

1 (R 12,678). Montgomery continued to relate that
2 food was definitely inadequate and practically no
3 medicine was available. Since Corregidor was
4 prepared for a long siege, there were vast supplies
5 of medicine and food on the island. The Japanese
6 transported them out on their vessels which sailed
7 for the China Sea, using American and Filipino
8 prisoners, as many as 2,000 a day, to load them
9 (R 12,673-9).

10 105. Conditions at Corregidor Island were
11 described in JAG Report No, 189 (Ex 1452, R 12,604)
12 as follows:

13 "Shortly after the capitulation of
14 Corregidor, approximately ten thousand
15 American and Filipino prisoners-of-war were
16 crowded into a small area, formerly the 92nd
17 Coast Artillery Corps Garage area. Condi-
18 tions were so crowded that the prisoners were
19 unable to move during the night without
20 disturbing sleeping companions who were
21 packed side by side. No shelter whatsoever
22 was furnished to protect the prisoners from
23 the rain or from the heat of the sun. Sani-
24 tary facilities consisted only of an open
25 slit trench, and no chemicals or disinfectants

1 were made available to improve the sanitary
2 conditions. Water was obtained from two
3 wells which were sunk below sea level, and
4 the water was salty and unpalatable. The
5 prisoners were given inadequate food, al-
6 though ample supplies were available and
7 stored in the tunnels of Corregidor. The
8 men were forced to load captured American
9 supplies on Japanese ships. Many of the
10 prisoners were suffering from illness, some
11 had been wounded in combat, and all were
12 suffering from the privations endured in the
13 days preceding the surrender. Yet, in spite
14 of the great need for medicine and medical
15 care, none was furnished. The Japanese guards
16 brutally beat the American prisoners at the
17 slightest provocation or for minor infractions
18 of the rules. As a result of the above
19 conditions and treatment, many of the pri-
20 soners died." (R 12,604-5)

21 106. On May 24, 1942, Montgomery continued,
22 they were moved out of Corregidor and loaded aboard
23 three transports. Conditions aboard the vessels
24 were very crowded and they were given no food nor
25 water. Instead of unloading them at the pier which

1 is only one mile from Bilibid Prison, which was
2 their final destination, they were disembarked in
3 invasion barges and dumped into the water shoulder
4 high on the shore of Parnaque which is seven miles
5 from Bilibid and not a port of debarkation
6 (R 12,680-1; 12,701-2). Why they were taken on a
7 much longer and difficult route was explained later
8 when they were marched through the main thorough-
9 fares of Manila, lined with thousands of Filipinos
10 out to witness the procession. Many of the
11 Filipinos tried to give them food, fruit and
12 water, but they were beaten up by the Japanese
13 guards for attempting to help them. There were
14 also many Japanese Army personnel and civilians
15 lining the streets to witness the march (R 12,680).

16 (F) Iligan Death March.

17 106A. A milder counterpart of the Bataan
18 Death March happened on July 4, 1942, in Lanao.
19 On that day American and Filipino forces were
20 forced to march from Keithley to Iligan, Lanao,
21 a distance of about thirty-six kilometers with
22 Malay-balay as their destination. During the
23 march a prisoner was sick and unable to keep pace
24 with the rest and was shot. No food or water was
25 given the prisoners. One died during the march.

1 (Ex 1454, R 12,668).

2 (G) Cabanatuan Camp.

3 107. Exhibit 1459, which is JAG Report No.
4 99 describes the appalling conditions at Cabanatuan
5 Camp during September 1942, to May 1943. The roofs
6 were wooden frames covered with nipa grass with a
7 strip of tin along the peak. Storms blew holes in
8 the roof and the nipa rotted, but no supplies were
9 provided for making repairs. Seven men were crowded
10 into compartments 7 x 10 feet, in which they slept
11 in tiers of bamboo platforms, some without any blan-
12 kets. No clothing was provided, and any extra clothes
13 the prisoners had were taken away by the Japanese.
14 The latrines consisted of slit trenches not more than
15 twenty or thirty feet from the buildings. Flies
16 swarmed around these latrines and into the living
17 quarters and mess hall as there were no screens what-
18 soever (R 12,734-5).

19 108. Medical supplies were lacking entirely
20 or provided in such small amounts as to be of no
21 value. There was enough quinine to treat only about
22 ten percent of the patients needing it. Supplies of
23 antiseptics were inadequate and there were very
24 little sulpha drugs. While the prisoner hospital
25 patients were forced to sleep on shelves of bamboo

1 poles, the Japanese hospital patients had hospital
2 beds with inner-spring mattresses, linen, blankets,
3 and mosquito bars. While prisoners were dying be-
4 cause of lack of medicine, the Japanese refused to
5 release adequate supplies of adrenalin, although
6 there was sufficient to meet both their needs and
7 those of the prisoners. Medical supplies from the
8 Gripsholm were unloaded by prisoners and taken to
9 the Japanese warehouse where large supplies of as-
10 pirin, sulpha drugs, organic iodine, emetine,
11 bandages, cotton, and adhesive tape were seen by the
12 prisoners. But despite this vast supply, the Jap-
13 anese refused to release adequate amounts for the
14 treatment of the prisoners. Though the prisoners
15 were so weakened by malnutrition and inadequate
16 medical treatment that they were physically unable
17 to perform ordinary labor, they were forced to do
18 heavy work and beaten if they collapsed. Prisoners
19 of war were forced to work on military installations
20 such as building runways and digging foxholes. The
21 prisoners were also forced to submit to medical ex-
22 periments at the hands of Dr. NOGI (R 12,736).

23
24 109. In order to prevent attempted escape by
25 the prisoners, the Japanese forced them to sign
pledges not to escape. The squad system of

1 punishment was employed. Under this system the
2 prisoners were divided into squads of ten. The
3 Japanese announced that if any prisoner escaped
4 and was not apprehended, the remaining men in his
5 squad would be executed. If he were apprehended,
6 he would be executed. There were innumerable
7 beatings and tortures for minor mistakes or in-
8 fractions of the rules. A prisoner who joined
9 the wrong group at the noon bell was slapped on
10 the face with a bamboo stick and then twenty-six
11 American prisoners were forced to pass by the
12 prisoner and slap him in the face. Many of the
13 blows were not sufficiently hard to satisfy the
14 Japanese guard who was supervising the procedure,
15 and he required the slapping to be repeated after
16 first having demonstrated how it should be done.
17 At other times the prisoners were naired off and
18 forced to slap each other. Filipinos threw food
19 to the prisoners, and when one of the Americans
20 reached over to get the food, he and three others
21 with whom he shared it were shot (R 12,736-7).

22 110. Colonel Stubbs testified that as camp
23 commander in Cabanatuan No. 1 he frequently lodged
24 protests with the Japanese command against the
25 inadequate food (R 12,748). He said the Japanese

1 made excuses that food was unavailable. Yet Stubbs
2 knew that Filipinos would be glad to exchange their
3 food for an order on the United States for payment
4 later (R 12,749). According to him, the camp was
5 located in Central Luzon, which is known as the
6 granary of the Philippines. There were large herds
7 of cattle north of the camp. The owner of those
8 cattle contacted him about selling them for an
9 order on the United States Government. He said
10 that as camp commander he was an errand boy for
11 every Japanese civilian and soldier on duty in the
12 camp. He not infrequently got slapped and beaten
13 for protesting (R 12,748-9). Stubbs also stated
14 that while he and his comrades were starving, the
15 Japanese commander of the camp, his staff and his
16 guards had all the fresh meat, chicken, eggs, beer,
17 rice, whiskey, and practically everything else
18 (R 12,750). POW's could see the Japanese eat and
19 the trucks that came in to camp almost daily hauling
20 rice, pigs, chickens, eggs, caribou meat, whiskey,
21 beer, some Japanese dried fish, bean paste, soya
22 sauce for the Japanese mess (R 12,750). American
23 kitchen police would frequently sneak in leftovers
24 consisting of rice, eggs, and meat from the Japanese
25 mess. (R 12,751).

1 111. Colonel Stubbs recalled an incident in
2 Cabanatuan involving six American prisoners of war.
3 It was the only time that prisoners were given any
4 semblance of trial before they were punished. In
5 many other cases they were beaten, tortured or
6 executed without even a hearing (R 12,772). The
7 six prisoners had been caught inside the fence with
8 a quantity of food which had previously been brought
9 from outside. They admitted that they had gone
10 through the fence at night and returned with the
11 food (R 12,772). They were at first brutally beaten
12 and tied to a fence along the road through the night
13 and about half the next day. They were then marched
14 up the road with their hands tied behind them and
15 brought into a room at guard headquarters. There
16 appeared to be a court consisting of a few officers
17 and several non-coms. The prisoners were stood up
18 against the wall of the room and could not say a
19 word. They were not represented by any counsel.
20 The prisoners were held by their guards like dogs
21 on a leash. The court joked, smoked, drank beer and
22 conversed for about half an hour (R 12,772-3). Half
23 an hour after the court adjourned all six men were
24 shot (R 12,773).
25

(H) Gapan Camp.

112. Sergeant Moody described conditions at this camp; 200 enlisted men and three officers were very badly treated. If the men failed to count out in Japanese they were immediately beaten, slapped, kicked or hit over the head with sticks (R 12,582). They were forced to work which involved the carrying of heavy sand, lumber and other construction material. The work was so heavy and strenuous that many of the men ruptured themselves (R 12,582). The small amount of food they got consisted of skins of pigs, rotten onions and squash left over from the Japanese kitchen (R 12,582-3). Japanese guards were eating meat, eggs, lots of rice, sweet cakes, candied peanuts. They had quite a bit of tobacco, and lots of beer (R 12,583). Thirty-seven men died and caskets for them were prepared in advance as so many men were dying (R 12,583).

(I) Bilibid Prison.

113. Mistreatments and improper conditions existed at Bilibid Prison, Manila, from May 1942, to February 1945. They are described in Exhibit 1458, JAG Report No. 76. In the words of the report:

"a. The cells were grossly overcrowded

in the camp. Living conditions were pretty poor
1 with 96 to one barrack. Water supply was very
2 poor, at times they had to go on for four or five
3 days without any water at all. Latrines were the
4 regular open type and no disinfectant issued to
5 prevent disease. Their drinking water had to be
6 boiled and it was too dirty even to wash their
7 clothes. No medical supplies were issued and what
8 little was sometimes issued had no effect at all.
9 They were getting exactly 200 grams of rice, corn
10 and water, one meal a day (R 12,397). The camp
11 was located in what is considered one of the most
12 fertile regions in the Philippines abundantly
13 planted with corn, coconuts, rice, sugar, bananas,
14 sweet potatoes, mangoes and chicos (R 12,398).
15 Prisoners complained to the Japanese authorities
16 about the lack of food they were getting, but they
17 were always told that they themselves did not have
18 enough food to eat. Miss Werff said that the
19 excuse was untrue because at night they could hear
20 the pigs squealing and the chickens cackling as
21 the Japanese were killing them for their next
22 morning meal. Also on one occasion she saw a
23 truckload of rice brought into camp and never did
24 she see any grain of that rice. Filipinos would
25

1 try to bring them some food from the mountains,
2 but they were always driven away by the guards
3 (R 12,398). She stated that about twenty feet
4 away from the camp you could see thousands of
5 banana trees loaded with bananas and that the
6 Filipinos used bamboo poles to keep the trees up.
7 On another side of the camp there were coconut
8 trees loaded with coconut fruits. Internees were
9 never allowed to pick any of this fruit despite
10 the fact that they repeatedly made the request to
11 pick it (R 12,399). Coconut milk is very nutri-
12 tious and would have been good for the 400
13 children in the camp. The prisoners were never
14 granted permission to pick some of these fruits
15 (R 12,399).

16 136. Miss Werff related that the Japanese
17 at one time allocated an area of land to the
18 prisoners. The men plowed the earth, one man
19 acting as a draft animal and the other man led the
20 plow. The women would plant the seedlings. Once
21 they were planted with corn, lettuce, cabbage,
22 radishes, garlic, onions, sinkamas and pichay.
23 When the harvesting season came, the Japanese
24 declared the area "off limits" and threatened any
25 internee near the area would be "shot on sight"

1 (R 12,399-400). At that time, they were getting
2 one meal a day consisting of rice and water and
3 to supplement that most of the internees had to eat
4 dogs, cats, cockroaches, snails, slugs, and some
5 even ate rats and weeds (R 12,400). Miss Werff
6 told what happened to George Lewis, a Pan-American
7 Airways employee, 28 years old. On 28 January
8 1945 Lewis was digging some weeds in the gutter.
9 Japanese guards shot him but the bullet just glazed
10 his shoulder. That afternoon at around 2:00
11 o'clock without any trial of any sort, George Lewis
12 was executed for attempting to escape (R 12,400).
13 When she entered Santo Tomas she weighed 152
14 pounds, but at the time of her liberation in Feb-
15 ruary 1945, she weighed only 88 pounds (R 12,400-1).

16 (Q) Japanese High Command.

17 137. When Major Maida read the notification
18 of punishment to the POWs at Davao, he stated that
19 it came from the Japanese High Command, according
20 to the witness Lt. Col. Montgomery (R 12,707).
21 Col. Montgomery also recalled that there were four
22 inspections by members of the Japanese High Command.
23 The first one was by General Morimoto, whose ins-
24 pection consisted of riding through the camp on a
25 horse. It took him ten minutes. At that time

1 there were dead bodies lying under the barracks and
2 in the latrine area (R 12,722). He was a Major
3 General and in charge of all the prison installations
4 in the Philippines.

5 138. Col. Stubbs, the Bataan Death March
6 survivor gave as his impression that the death
7 march was ordered by the Japanese Imperial High
8 Command (R 12,754). He also stated that the Jap-
9 anese Imperial High Command, by leaflets dropped by
10 plane, by Japanese controlled newspapers and by the
11 Japanese controlled radio in Manila, promised
12 humane and honorable treatment for those who would
13 surrender at Bataan (R 12,739-40). Col. Stubbs
14 stated that he saw on three occasions Japanese
15 General officers, none of whom ever consented to
16 speak to him (R 12,759). There was only one instance
17 where they every spoke to any prisoner (R 12,759-60).
18 At Cabanatuan No. 1, General Morimoto asked Colonel
19 Atkinson, who commanded the group, "How are your
20 men?" Colonel Atkinson replied, "They are very weak."
21 (R 12,760). General Morimoto, looking at the row of
22 skeletons stated, "They need exercise, we will run
23 them on the road." (R 12,760).
24

25 139. Col. Stubbs further stated what
happened to the condition of the camp after the

visit by a General officer. He said that before
1 General Morimoto came to Cabanatuan Camp No. 1,
2 the prisoners were told to clean up the camp.
3 They were all lined up for inspections and were
4 given an issue of meat. That evening after Gen-
5 eral Morimoto's visit a Japanese sergeant in
6 headquarters told Stubbs that the Japanese staff
7 at the camp had been severely criticized for
8 giving the prisoners meat on the day of the Gen-
9 eral's inspection and that he didn't want to see
10 any such thing happen again. Thereafter the camp
11 detail, properly indoctrinated, did not bother
12 with the food before or after inspections by Jap-
13 anese Generals (R 12,760). Col. Stubbs continued
14 to relate that General Morimoto inspected Cabana-
15 tuan No. 1 by riding on horseback. On his second
16 visit he rode in a car (R 12,761). The third
17 inspection by a general, it was at Davao; they
18 rode into the camp in a car but did get out of the
19 car for about ten minutes and stood under a shelter
20 to get out of the rain, and then left. On each
21 occasion, the inspecting officer spent considera-
22 ble time with the camp commander in his quarters
23 and on two occasions Stubbs could see that they
24 were drinking very considerable sake and eating
25

some very good looking food (R 12,761).

1 (R) Captured Japanese Documents on POWs

2 The following captured documents consist-
3 ing of orders or diaries were introduced in evidence:

4 140. Exhibit 1462A, extracts from a captured
5 booklet entitled "Japanese Instructions On How to
6 Interrogate" (R 12,779). Among the instructions was:

7 "(2) Measures to be normally adopted.--

8 'Torture (COMMON) (embraces beating, kicking,
9 and all conduct involving physical suffering).
10 It is the most clumsy method and only to be
11 used when all else fails. (Specially marked
12 in text.) When violent torture is used change
13 interrogation officers and it is beneficial if
14 the new officer questions in a sympathetic
15 fashion.
16

17 "Threats. As a hint of physical discom-
18 forts to come, e.g. murder, torture, starving,
19 deprivation of sleep, solitary confinement, etc.
20 Mental discomforts to come, e.g. will not
21 receive same treatment as other prisoners of
22 war; in event of exchange of prisoners he will
23 be kept till last; he will be forbidden to
24 send letters; will be forbidden to inform his
25 home he is prisoner of war, etc." (R 12,779-80)

1 141. Exhibit 1463, extract from a mimeographed
2 manual entitled "Feference on Detection and Disposal
3 of Land Mines" issued September 1943, by the Jap-
4 anese Army Engineer School (R 12,780). Among the
5 instructions was:

6 "It would be advantageous if prisoners-
7 of-war, natives or animals could be sent ahead
8 as a precautionary measure, along the route
9 of advance." (R 12,780)

10 142. Exhibit 1464, extract from instructions
11 issued in February, year not stated, by the Command-
12 ing General of the 16th Division (R 12,781). The
13 first three paragraphs of that document stated that:

14 "1. Prisoners-of-war will be _____ed
15 on the battlefield; those who surrender,
16 who are of bad character, will be resolutely
17 _____ed in secret and counted as
18 abandoned corpses. By 'Prisoners-of-War'
19 we mean soldiers and bandits captured on
20 the battlefield; by 'Surrenders' we mean those
21 who surrender or submit prior to the battle.
22 Prisoners-of-war will be interrogated on the
23 battlefield and should be immediately
24 _____ed excepting those who require
25 further detailed interrogation for

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18 abandoned corpses. By 'Prisoners-of-War'
19 we mean soldiers and bandits captured on
20 the battlefield; by 'Surrenders' we mean those
21 who surrender or submit prior to the battle.
22 Prisoners-of-war will be interrogated on the
23 battlefield and should be immediately
24 _____ed excepting those who require
25 further detailed interrogation for

intelligence purposes.

1 "In the event of _____, it must
2 be carried out cautiously and circumspectly,
3 with no policemen or civilians to witness
4 the scene, and care must be taken to do it
5 in a remote place and leave no evidence.

6 "Malicious surrenderers will be taken
7 into custody for the time being and after
8 observance of public sentiments will be
9 _____ed secretly when the inhabitants
10 have forgotten about them, or secretly under
11 pretext of removal to some distant locality,
12 thus avoiding methods likely to excite
13 public feeling." (R 12,781-2)

14 143. Exhibit 1465, extract from instructions
15 dated 3-21 April 1944 for treatment of prisoners,
16 taken from a file of miscellaneous orders, be-
17 longing to the TOHIRA Military Police Section,
18 33rd Infantry Regiment, 16th Division (R 12,782).
19 The document enjoined that:

20 "No. 6. The treatment of Surrenderers.

21 "25. When prisoners are taken, those
22 who are not worth utilizing shall be dis-
23 posed of immediately except those who require
24 further detailed interrogation for intelligence

1 purposes, according to No. 126 of Part I of
2 the orders concerning important operational
3 matters.

4 "27. Surrenderers found to be malicious
5 after the interrogations performed on them
6 according to No. 126 of Part I of the orders
7 concerning important operational matters
8 will be immediately killed in secret and
9 will be disposed of so as not to excite
10 public feeling." (R 12,873)
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PART III

SUMMARY OF EVIDENCE RELATING TO TREATMENT
OF POW AND CIVIL INTERNEES IN THE COURSE
OF TRANSPORTATION BY SEA.

DIVISION 1 - UP TO 30 JUNE 1942.

Indictment Ref.
to Appendix "D"

Subject

Sec 1,3,4(a) 5(a) (d). 6 Jan. 42 - 22 Jan. 42. Nitta
Meru - Wake Island to Woosung, China. 1200 POW and
civilian internees - beaten and kicked by ship's crew
as they went aboard - holds dirty and overcrowded -
not sufficient room to lie down - no latrines - many
prisoners suffering from dysentery but no one al-
lowed to leave hold - prisoners beaten up and rob-
bed by Jap officers and guards - daily ration 3 cups
of water and 9 oz. of barley gruel - 5 POW executed
in revenge for Jap casualties in taking Wake Island.
(Ex. 1639, 1640 at pp 13249-54 and Ex. 2038 at pp.
14992-15000)

DEFENCE EVIDENCE - EXCERPT from Red Cross
International Review "April 1942 p. 217 The Delegation
in Japan - Dr. Paravicini telegraphed on 4 February
that the Guam and Wake prisoners had expressed their
gratitude to the Japanese authorities for the good
treatment which had been accorded to them." (Ex.

3042A p; 27174)

1 DIVISION 2 - 1 JULY 1942 TO 31 DECEMBER 1942

2 Sec 1,3,5(a) (d) (a) 16 Aug. 42 - 31 Aug. 42. Tanjong

3 Maru - Singapore to Takau. Holds dirty and overcrowded

4 5 ft. x 1½ ft. x 4 ft. per man - no washing water, no

5 drinking water - green tea for drinking purposes -

6 tropical sun raised holds to oven temperature - dy-

7 sentery and other diseases developed - no hospitaliza-

8 tion, no medical supplies provided - 6 POW died within

9 10 days of disembarkation. (Ex. 1643 at p. 13267)

10 Sec. 1, 3, 4, (a), 5(a) (b) 25 Sept. 42 - 5 Oct. 42

11 Lisbon Maru - Hong Kong to Shanghai. 1816 POW and 2000

12 Jap troops - holds overcrowded - not enough room to lie

13 down - POW suffering from dysentery - ship torpedoed

14 on 1 Oct. 42 - holds battened down - no food or drink

15 for 24 hours - Jap troops abandoned ship - ship sink-

16 ing - POW burst out of holds - Japs opened fire on

17 them and kept it up even after POW had jumped over-

18 board - Chinese junks rescued numbers - 846 shot or

19 drowned (Ex. 1653 at p. 13303)

20 Sec 1, 3, 5, (a) (d) (c) 2 Oct. 42 - 11 Nov. 42. Tot-

21 tori Maru - Manila to Osaka. 1900 POW - holds so

22 tightly packed that only 75 per cent could lie down

23 at one time - ration six soda crackers and one canteen

24 of water - only 6 latrines - many prisoners suffering

from dysentery - no medical supplies or treatment -
1 15 died. (Ex. 1634 at p. 13229)
2 Sec. 1, 3, 5(a) (d) Oct. 42. England Maru - Singapore
3 to Formosa. 1200 POW - food and water insufficient
4 and poor in quality - holds filthy and overcrowded -
5 insufficient latrines - dysentery rife - no washing
6 facilities - 3 died - no medical treatment. (Ex 1631A
7 et p. 13224)
8 Sec. 1, 3, 5(a) (d) (f) (e) 21 Oct. 42 - 26 Oct. 42.
9 Yoshida Maru - Batavia to Singapore. 1800 POW in-
10 cluding many stretcher cases and others unfit to
11 travel on account of dysentery, malaria, beri beri,
12 etc. - crammed into holds without sufficient room to
13 lie down - holds uncovered and POW drenched by tropi-
14 cal downpours - no blankets or medical supplies -
15 sickness increased. (Ex. 1647 at n. 13286)
16 Sec. 1, 3, 5(a) (d) (f) 28 Oct. 42 - 27 Nov. 42. Dai
17 Nichi Maru - Singapore to Moji, Japan - 1500 POW and
18 2500 Japs - rat-infested, unventilated and unlighted
19 holds frequently battened down for two days at a time
20 - so crowded that no man could lie down flat - ration
21 two meals of rice and one-third of a pint drinking
22 water daily - insufficient latrines - many sick and
23 unable to reach them - no medical supplies or equip-
24 ment provided - 10 men died in one hold alone - others
25

1 died in remaining three holds - many men died within
2 a month of disembarkation on account of conditions
3 on voyage. (Ex. 1648 at p. 13287)

4 Sec. 1, 3, 5(a) (d) (g) 29 Oct. 42 - 25 Nov. 42.

5 Singapore Maru - Singapore to Moji, Japan. 1081 POW
6 and a large number of Japs - POW accommodation grossly
7 overcrowded - many were sick from various diseases
8 when they left Singapore - sickness increased - sick
9 had to lie on bare steel deck exposed to weather -
10 medical supplies inadequate - 63 died on voyage - 289
11 too ill to be moved from ship - many died shortly
12 after landing as direct result of conditions on
13 voyage. (Ex. 1647 at p. 13286)

14 Sec. 1, 3, 4(a), 5(a) (h) 30 Oct. 42 - 25 Nov. 42.

15 Takama Maru - Batavia to Rangoon. POW overcrowded in
16 holds - sickness developed - no medical supplies -
17 deaths occurred daily - 2 escapees caught and so badly
18 beaten that one afterwards died. (Ex. 1649 at p. 13291)

19 Sec. 1, 3, 4(a), 5(a) (d) (i) 7 Nov. 42 - 25 Nov. 42.

20 Nagato Maru - Manila to Moji, Japan. 1650 POW and
21 1500-2000 Japs - POW so crowded that they could not
22 lie down - many lost consciousness through lack of
23 ventilation - daily ration 400 grams of rice. 20 grams
24 of fish and one cup of water - most of POW were suffer-
25 ing from deficiency diseases, malaria and dysentery -

no medicines provided - latrines inadequate - POW
beaten and kicked - 8 died on voyage (Ex. 1635 at
p. 13231)

DEFENCE EVIDENCE - In Dec. 42 Instruction
contained in Ex. 1965 issued to improve sanitary
conditions on ships. (Ex. 1965 at p. 14439 and ODAJIMA
at p. 27806 and p. 27863).

DIVISION 3 - 1 JANUARY 43 to 30 JUNE 1943.

N11.

DIVISION 4 - 1 JULY 1943 to 31 DECEMBER 1943.

N11.

DIVISION 5 - 1 JANUARY 1944 to 30 JUNE 1944.

Sec. 1, 3, 4(a) 5(a) (d) (a) 1 May 44 - 12 May 44.

Ambon to Java. 200 sick POW - no proper accommodation
- underfed - daily ration 2 meals of rice and $\frac{1}{2}$ pint
of water - one POW beaten and murdered for stealing
fish - officers, medical officers and orderlies beaten
up. (Ex. 1641 at p. 13255)

Sec. 1, 3, 4(a), 5(a) (d) (b) 3 June 44 - 12 Sept. 44.

Rashin Maru - Singapore to Maji, Japan. 1000 POW -
vermin infested holds, so overcrowded that only 40
per cent could lie down - food 500 grams of rice daily
- sanitary facilities inadequate - 90 per cent of POW
sick from various diseases - no medical supplies or
treatment - POW were daily beaten for such things as

going on deck - 3 POW died on voyage. (Ex. 1644 at p. 13272)

Sec. 1, 3, 4(a), 5(a), (b) (c) 27 June 44 - 22 Sept.

44. Hofuku Maru - Singapore to Manila. 1300 POW all in bad health from Burma-Siam Railway were crowded into holds so that they could not all lie down - insufficient latrines and many who were sick could not reach them - food insufficient, consisted of 2 meals of rice - POW daily beaten with iron bars and staves - no medical supplies - 104 POW died in August - torpedoed on 21 Sept. - Japs abandoned ship and left POW to drown - only 217 survivors. (Ex. 1645 at p. 13280)

DIVISION VI - 1 JULY 1944 to 31 DECEMBER 1944.

1 Sec. 1, 4(a) (e) July 44 (17 day trip). Sourabaya to
2 Japan. 5 naval officers, survivors from sunken
3 merchant ship - kept handcuffed in cabin during
4 voyage except when taken out for ill-treatment -
5 beaten, kicked and hung suspended by thumbs from cabin
6 roof for long periods. (Ex. 1650 at p. 13293)

7 Sec. 1, 3, 5(a) (d) (b) July 44 - 3 Sept. 44. Davao
8 to Japan. 1200 POW crammed into 2 holds so tightly
9 packed that only one-third could lie down at a time -
10 400 grams rice and 1 pint of water per day - air in
11 hold so foul and heat so intense that men lost con-
12 sciousness - many suffering from beri beri, malaria,
13 dysentery, etc. - no medical supplies - POW lost from
14 20 to 40 lb. in weight on trip - 3 POW died. (Ex.
15 1636 at p. 13234)

16 Sec. 1, 3, 4(a) (c) 19 Sept. 44. Java to Sumatra.
17 1750 POW and 5500 Indonesian coolies crammed into 2
18 holds - POW beaten into unconsciousness to force them
19 into hold - drinking water insufficient - ship tor-
20 pedoed - 888 survivors - many attempting to board
21 boats were killed. (Ex. 1652 at p. 13298)

22 Sec. 1, 2(a) (e) 3, 4(a), 5(a) (d) (d) 17 Sept. 44 -
23 23 Nov. 44. Maron Maru - 500 ton ferry - Ambon to
24 Sourabaya. 650 POW crowded on deck so that there
25

was not even room to sit down - so badly sunburnt
1 that their backs bled - 2 latrines - food poor in
2 quantity and quality - POW beaten and those fit enough
3 compelled to load ammunition - Japs provided no
4 medical attention for sufferers from beri beri, dysen-
5 tery, malaria, sunstroke - all except 325 died before
6 reaching Batavia. (Ex. 1642 at p. 13256).

7 Sec. 1, 3, 5(a) (e) 1 Oct. 44 - 8 Nov. 44. Manila to
8 Taiwan - 1100 POW grossly overcrowded into 2 holds
9 partly full of coal - not permitted to leave hold
10 during voyage - latrine bucket quite inadequate -
11 water two-thirds of a cup, food 2 cups of rice daily -
12 men developed dysentery - only medical supplies were
13 Red Cross and these were exhausted after 15 days - 32
14 POW in one hold died from suffocation. (Ex. 1637 at
15 p. 13236)

16 Sec. 1, 3, 5(a) (f) 12 Dec. 44 - 15 Dec. 44. Irioko
17 Maru - Manila to Japan, but sunk en route - 1687 POW
18 crowded into 2 holds - 6 gallons of water per day
19 between 700 men - no sanitation - POW not allowed out
20 of hold - several hundred men died of suffocation or
21 thirst in 2 days - bombed - 1200 got ashore - 100 more
22 died in following week. (Ex. 1638 at p. 13243)

23 Sec. 1, 3, 5(a) (g) 27 Dec. 44 - 9 Jan. 45. Horse
24 transport - Linguien to Formosa - POW in holds filthy
25

1 with horse manure and fly infested - 6 tablespoons of
2 rice and very little water daily ration - men dying
3 at rate of 25 a day from starvation, dysentery, etc.
4 - no medical attention, supplies or blankets - death
5 toll up to 40 a day. (Ex. 1638 at p. 13243)

6 DEFENCE EVIDENCE - In March 44 instruction
7 contained in Ex. 1965 repeated on account of bad
8 sanitary condition of ships used for transportation
9 of P.O.W. (Ex. 1965 at p. 14439 and ODAJIMA at p.
10 27806 and p. 27863)

11 DIVISION VII - 1 JANUARY 1945 to SURRENDER.

12 Sec. 3, 8(e), 12 (a) 2 Feb. 45 - 7 Feb. 45. 1000 ton
13 ship - Singapore to Saigon - 2000 POW and 300 natives
14 - so packed impossible to move - daily ration rice
15 and water - Japs ate Red Cross rations - natives died
16 at rate of 6 a day. (Ex. 1646 at p. 13284)

17 Sec. 1, 3, 5(a) (f) (b) April 45. Muntok to Palembang.
18 Women, POW and internees - many stretcher cases - un-
19 protected against cold and mosquitoes at night and
20 blazing sun in day - 4 women died. (Ex. 1651 at p.
21 13296)
22
23
24
25

1 PART IV - SUMMARY OF EVIDENCE OF ATROCITIES AT SEA,
2 OTHER THAN THOSE RELATING TO TRANSPORTA-
3 TION OF POW, AND PROTEST RELATING THERETO.

4 DIVISION 1 - UP TO 30 JUNE 1942.

5 Sec 14. 21 Feb 42: Dutch hospital ship OP ten Noort,
6 acknowledged as a hospital ship by Japanese, attacked
7 by Japanese planes near Sourabaya, killing three and
8 injuring twenty. (Ex. 2065 T. 15,065)

9 Sec 14. 1 Mar 42: OP ten Noort captured by Japanese.
10 (Ex. 2065, 2071, T. 15,065, T. 15,081)

11 28 May 42: Sweden on behalf of Holland, forwards to
12 accused TOGO at Foreign Office protest against bomb-
13 ing and capture of OP ten Noort. (Ex. 2071, T. 15,081)

14 9 Jun 42: Jap. Foreign Office replies to protest
15 denying bombing and justifying capture of OP ten
16 Noort on ground that the ship was used for military
17 purposes. (Ex. 2072, T. 15,081)

18 DIVISION 2 - 1st JULY, 1942 to 31st,
19 DEC. 1942.

20 28 Sep 42: Sweden on behalf of Holland, forwards to
21 Jap. Foreign Office, reiteration of protest re OP ten
22 Noort and denial of Jap claims in (Ex. 2072, Ex. 2073,
23 T. 15,081)

24 Sec 5(b) & 14. 19 Dec 42: OP ten Noort brought to
25 Japan in custody and complement there interned.
(Ex. 2065, T. 15,065)

DIVISION 3 - 1st. Jan. 43 to 30 June 43.

1 22 Feb 43: Master of OP ten Noort protests against
2 capture and internment to Jap Navy Minister. (Ex. 2067,
3 T. 15,070)

4 Sec 13. 20 Mar 43: First Submarine Force operation
5 Order issued by Flag Ship at Truk, contained (inter
6 alia) the following:- "Don't stop with the sinking
7 of enemy ships and crews; at the same time that you
8 carry out the complete destruction of the crews of the
9 enemy ships, if possible, seize part of the crew and
10 endeavour to secure information about the enemy."
11 (Ex. 2105, T. 15,184)

DIVISION 4 - 1st. JULY 43 and 31st DEC. 43.

13
14 Sec 13. 14 Dec. 43: British merchant ship Daisy Moller
15 torpedoed by Jap. submarine - submarine rammed ships
16 boats (3) and machine gunned survivors. (Ex. 2094,
17 T. 15,157, 15,158)

DIVISION 5 - 1 JAN 44 to 30 JUNE 44.

19
20 Sec 13. 22 Feb 44: British Merchantsman "British
21 Chivalry" torpedoed by Jap. submarine - master taken
22 aboard submarine - ships boats machine gunned causing
23 twelve deaths. (Ex. 2095, T. 15,157, 15,159)
24 23 Feb 44: Master of OP ten Noort protests capture of
25 ship and internment of crew to Jap. Prime Minister.
(Ex. 2068, T. 15,073)

1 Sec 13. 26 Feb 44: British merchant vessel Sutley
2 torpedoed by Jap. submarine which surfaced, attempted
3 to ram ships boats and machine gunned survivors - also
4 attempted to ascertain whereabouts of vessels master.
(Ex. 2096, T. 15,157, 15,159)

5 Sec 13. 29 Feb 44: British merchant vessel Ascot
6 torpedoed by Jap submarine which rammed and sunk ships
7 boats and machine gunned survivors - Japs compelled
8 master of vessel to board submarine, took from him a
9 case which he was carrying, slashed his hands with a
10 knife and threw him overboard. (Ex. 2097, T. 15,157,
11 T. 15,163)

12 Sec 1,4(a) 10 9 Mar 44: British merchantsman Behar
13 sunk by shellfire from Jap cruiser Toni, 115 survivors
14 taken aboard Toni. On 18 Mar 44, 70 of these survivors
15 were beaten, kicked and beheaded aboard Toni on order
16 of Commander of Jap warship "AOBA" (Ex. 2104, T.15,182)

17 Sec 1, 4(a) 10 & 13. 18 Mar 44: British merchant
18 vessel Mary Moller torpedoed by Jap. submarine. 6 of
19 the survivors were taken aboard submarine, of these 1
20 was retained aboard 2 were shot and 3 were kicked into
21 sea - submarine machine gunned rafts. (Ex. 2098,
22 T. 15,157, 15,168)

23 Sec 1,4(a) 10 & 13 26 Mar 44: Dutch merchant vessel
24 TJISALAK torpedoed - European survivors were taken from
25

ships boats on to submarine deck, and there tied up
and shot or hit over head and thrown into sea.

(Ex. 2099, T. 15,157, 15,169)

5 June 44: Protest by Swiss Minister on behalf of
British Government to accused Shigemitsu, Foreign
Minister on Daisy Moller, British Chivalry, Sutley,
Ascot Nancy Moller and TJISALAK. (Ex. 2092, T. 15,153)

19 Jun 44: Protest on behalf of USA by Swiss to
Shigemitsu on sinking of American Merchantship "Richard
Hovey" on 29 March 194_, ramming and firing on ships
boats, firing on survivors and retaining 4 of crew on
board submarine. (Ex. 2076). (T. 15,088) Note: No
evidence other than protest was placed before Tribunal
as to sinking of this ship and the atrocities alleged
in relation thereto.

29 June 44: Chief Medical Officer of "OF ten Noort"
protests to Jap Prime Minister re capture and retention
of ship. (Ex. 2070, T. 15,077)

DIVISION 6 - 1 JULY 44 to 31 DEC 44.

Sec 1.4(a) 10 & 13 2 July 44: American merchant ship
Jean Nicolet torpedoed by Jap. submarine. It sank the
following day. Ships boats, rafts and survivors were
machine gunned. A number of survivors were taken aboard.
Master and chief mate taken into submarine, others had
arms bound on deck. Half of them on deck were compelled

to run the gauntlet, being beaten with heavy instruments until they ran into sea. Submarine submerged whilst remainder were on deck. - 75 thus killed. (Ex. 2087, 2088, T. 15,140, 15141, 15,145)

15 Sept 44: Swiss to Jap Foreign Office - reminder that no answer has been received in respect of protest re Richard Hovey (See Division 5, 19 June 44), (Ex. 2077). On 28 Nov. 44 accused Shigemitsu denied fact of alleged atrocities in letter to Swiss. (Ex. 2078, T. 15,092)

16 Sept 44: Swiss to Jap. Foreign Office reminder that no answer received to protest re Daisy Moller and other ships. (See Division 5, 5 June 44) (Ex. 2101, T.15,175) On 28 Nov. 44 the Jap. Foreign Office denied the alleged atrocities in connection with these ships. (Ex. 2102, T. 15,177)

Sec 14. 24 Oct 44: U.S.S. "Comfort" an acknowledged hospital ship attacked by Japanese aircraft. (Ex. 2058, T. 15,048)

Sec 1 & 13. 29 Oct 44: American merchant ship John A. Johnson torpedoed by Japanese submarine - submarine deliberately attempted to ram ship's boat - machine gunned swimmers and endeavoured to catch them in submarine's propellers. (Ex. 2089, 2090, T. 15,140, 15,148, 15,150)

Sec 14. 3 Dec 44: U.S.S. "Hope" acknowledged hospital

1 ship attacked by Japanese torpedo planes. (Ex. 2058,
2 T. 15,048)

3 29 Dec 44: Swiss attache' handed to Minister TADAKAZU
4 SUZUKI, U.S. note protesting against treatment of crew
5 of Jean Nicolet - See 2 July 44. (Ex. 2080, T. 15,095)

6 DIVISION 7 - 1st. JAN 45 to SURRENDER.

7 19 Jan 45: Japanese acknowledged receipt of protest
8 re Jean Nicolet. (Ex. 2082, T. 15,101) Swiss sent
9 reminders on 19th and 28th April 45 that no answer had
10 been received, (Ex. 2083, 2084, T. 15,102, 15,103) and
11 on 15 May, 45, Foreign Office made to Swiss Minister a
12 denial of allegations contained in protest. (Ex. 2086,
13 T. 15,105) (For original reference to Jean Nicolet -
14 see Division 6 - 2 July 44).

15 29 Jan 45: United States protest re attacks on hospital
16 ships "Comfort" and "Hope" transmitted by Swiss Lega-
17 tion to Jap Foreign Office. (Ex. 2058, T. 15,048).
18 Reminder that no answer had been received was sent by
19 Swiss Legation to Jap Foreign Office on 23 April 45.
20 (Ex. 2059, T. 15,051) Jap Foreign Office informed
21 Swiss Legation on 12 May 45 that they were making in-
22 quiries into alleged attacks. (Ex. 2060)

23 21 Feb 45: U.S. protest re Richard Hovey reiterated
24 to accused Shigemitsu by Swiss on behalf of U.S.A.
25 (Ex. 2079, T. 15,043)

Sec 14. 28 April 45: U.S. Hospital ship "Comfort"

1 again attacked by Jap aircraft - 39 killed and 33 in-
2 jured (Ex. 2063, T. 15,059) - weather was clear and
3 visibility good at time of attack - aircraft made 3
4 runs - on body of attacking suicide pilot was found an
5 intelligence despatch telling of presence of 2 hospital
6 ships. (Ex. 2062, T. 15,055) - Report of following
7 broadcast from Tokio on 9 April 45 "We are justified in
8 bombing hospital ships as they are being used for re-
9 pair ships for returning wounded men back to the fight-
10 ing front" (Ex. 2062, T. 15,055) A protest in relation
11 to this attack was made by Swiss to Jap Foreign Office
12 on 23 May 45. (Ex. 2061, T. 15,053)

14 19 May 45: British Government, through Swiss Legation
15 reiterates protest to Jap Foreign Office in connection
16 with sinking of Daisy Moller and other ships. (See
17 Division 5) and draws attention to 1st. Jap Submarine
18 Force Operation Order of 20 March 43, (See Division 3)
19 (Ex. 2103, T. 15,178)
20
21
22
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PART V - SUMMARY OF EVIDENCE AS TO JAPANESE
ASSURANCES IN APPLICATION OF GENEVA
RED CROSS CONVENTION 1929 and PRISONERS
OF WAR CONVENTION 1929

1 Division 1 - As regards United States of America

2 (a) 13 Dec. 1941. Secretary of State to American
3 Legation, Switzerland requesting that Swiss Government
4 be asked to notify Japanese Government that United
5 States proposes to apply both Conventions and to extend
6 to civil internees POW Convention and hopes that
7 Japanese Government will reciprocate. (Ex. 1463, at
8 p. 12,787)

9 29 Jan 1942. Japanese Foreign Minister to Swiss Min-
10 ister states that Japan will observe Red Cross Conven-
11 tion and that although not bound by POW Convention "it
12 will apply mutatis mutandis the provisions of that
13 Convention to American POW in its power." (Ex. 1490
14 at p. 12,878)

15 4 Feb. 1942. American Minister, Switzerland to Sec-
16 retary of State notifying that Swiss Minister, Tokyo
17 had informed him of Ex. 1490 above. (Ex. 1469 at p.
18 12,787)

19 13 Feb. 1942. Japanese Foreign Minister to Swiss
20 Minister notifying that Japan will apply provisions of
21 POW Convention to "enemy civilian internees, insofar
22 as they are applicable and provided that they are not
23
24
25

made to work without their consent." (Ex. 1491 at p. 12,873)

24 Feb. 1942. American Minister, Switzerland to Secretary of State notifying that Swiss Minister, Tokyo, had informed him of Ex. 1491 above. (Ex. 1471 at p. 12,790)

19 March 1942. Secretary of State to American Minister Switzerland acknowledging Ex. 1471 above and requesting that Japan be notified of ration scale provided Japanese nationals by U.S.A. (Ex. 1473 at p. 12,792).

(b) 20 Feb. 1942. Swiss Minister to Japanese Foreign Minister requests Japanese Government to take into consideration national and racial customs of prisoners and internees in connection with supply of food and clothing and states that Japanese nationals are being so treated by America. (Ex. 1492 at p. 12,789).

2 March 1942. Japanese Foreign Minister to Swiss Minister - agrees to take into consideration national racial customs of American nationals as regards food and clothing supplied to them. (Ex. 1493 at p. 12,879).

(c) 15 Dec. 1942. Swiss Minister to Foreign Minister - inquires as to conditions under which American POW are used as laborers (Ex. 2025 (1) at p. 14,833).

28 Jan. 1943. Foreign Ministry to Swiss Minister -

1 states that POW are (a) employed in spirit of decision
2 to apply POW Convention 1929 *mutatis mutandis* (b)
3 employed in labor which is not dangerous, (c) work same
4 hours as civil workers, (d) paid according to Japanese
5 Army rates. (Ex. 2025 (2) at p. 14,833).

6 4 Feb. 1943. Swiss Minister to Foreign Minister - re-

7 requests assurance that POW will not be assigned to labor
8 having direct connection with operations of war and in
9 particular will not be employed in manufacture or trans-
10 port of material to be used in warfare. (Ex. 2025 (3)
11 at p. 14,833).

12 20 Feb. 1943. Foreign Minister to Swiss Minister -

13 states that "the labor of POW in the power of Japan, by
14 application *mutatis mutandis* of the Convention relative
15 to the treatment of POW has no direct connection with
16 operations of war." (Ex. 2025 (4) at p. 14,834).

17 4 March 1944. Swiss Minister to Foreign Minister -

18 states that he has obtained evidence that POW have been
19 obliged to perform humiliating work in public and that
20 this is contrary to Article 2 of POW Convention of
21 1929, (Ex. 2025 (5) at p. 14,834).

22 22 April 1944. Foreign Minister to Swiss Minister -

23 states that Japan not bound by POW Convention 1929,
24 but it is policy of Government, based on humanitarian
25

reasons to protect POW from insult. (Ex. 2025 (6) at p. 14,834).

27 April 1944. Swiss Minister to Foreign Minister - replying to Ex. 2025 (6) above, states that Japanese Government's attitude does not coincide with promise to apply provisions of Convention mutatis mutandis "that is to say in a manner which will not conflict with the text of Japanese law." (Ex. 2025 (7) at p. 14,834).

28 April 1944. Japan Foreign Minister to Swiss Minister in replying to protests lodged on behalf of America sets out following statement re Japan and POW Convention 1929:

"I. The position of Japan in respect of the Convention of 1929 relating to the Treatment of Prisoners of War.

As regards the treatment of prisoners of war, Japan has ratified the 1907 Convention relating to the Law and Custom of Land Warfare, and the 1929 Convention for the Amelioration of the Condition of the Wounded and Sick of Armies in the Field, but the Japanese Government have not ratified the Convention of 1929 relating to the Treatment of Prisoners of War. Consequently Japan is under no obligation to be bound by that Convention. However, the Japanese Government have notified the United States Government of their

intention on purely humanitarian grounds to apply mutatis mutandis in the present war the provisions of the 1929 Convention relating to the Treatment of Prisoners of War to American prisoners of war within areas under Japanese administration.

As regards the treatment of civilian internees, no international agreement exists, except that an expression of desire is contained in the final protocol to the 1929 Convention relating to the Treatment of Prisoners of War. In the present war, the Japanese Government have notified the United States Government of their intention to apply as far as possible under the condition of reciprocity the provisions of the 1929 Convention relating to the Treatment of Prisoners of War (provided that no labor is imposed upon the internees against their will by the country detaining them).

By the above-mentioned intention of the Japanese Government to apply mutatis mutandis the provisions of the 1929 Convention relating to the Treatment of Prisoners of War to American prisoners of war, it is meant that the provisions of the Convention will be applied with the modifications necessary in order to conform with the provisions of the existing law and regulations of the country and with the require-

intention on purely humanitarian grounds to apply mutatis mutandis in the present war the provisions of the 1929 Convention relating to the Treatment of Prisoners of War to American prisoners of war within areas under Japanese administration.

As regards the treatment of civilian internees, no international agreement exists, except that an expression of desire is contained in the final protocol to the 1929 Convention relating to the Treatment of Prisoners of War. In the present war, the Japanese Government have notified the United States Government of their intention to apply as far as possible under the condition of reciprocity the provisions of the 1929 Convention relating to the Treatment of Prisoners of War (provided that no labor is imposed upon the internees against their will by the country detaining them).

By the above-mentioned intention of the Japanese Government to apply mutatis mutandis the provisions of the 1929 Convention relating to the Treatment of Prisoners of War to American prisoners of war, it is meant that the provisions of the Convention will be applied with the modifications necessary in order to conform with the provisions of the existing law and regulations of the country and with the require-

ments of the actual situation as it develops. In the same manner the provisions of that Convention are also applied to American civilian internees.

In the present war in Greater East Asia the field of operations extends over an expansive area including many remote, undeveloped and pest-ridden regions with innumerable islands scattered over the ocean, involving considerable difficulties in the way of communication and transport. The change introduced by the system of aerial fighting has also made it difficult to distinguish zones of combat from other areas. The Japanese Forces, which have taken under their control an unexpectedly large number of enemy nationals in these areas far distant from Japan, are making the utmost efforts to accord them fair and just treatment. Such a situation was certainly not contemplated at the time when the 1929 Convention relating to the Treatment of Prisoners of War was concluded. That Convention has not been ratified by Japan because there are provisions in it which are not acceptable to this country. The Japanese Government are, however, dealing, from a humanitarian point of view, with matters relating to prisoners of war and civilian internees, on the basis of the 1907 Convention relating to the Law and Custom of Land Warfare and the 1929 Convention for the Amelioration

of the Conditions of the Wounded and Sick of Armies
1 in the Field, taking moreover into consideration the
2 provisions of the 1929 Convention relating to the
3 Treatment of Prisoners of War. These intentions of
4 the Japanese Government have already been made known
5 to the United States Government.

6 In these circumstances, the Japanese Govern-
7 ment are unable to understand how the United States
8 Government have seen fit to enumerate certain articles
9 of the Convention and to demand their absolute appli-
10 cation as if the Japanese Government by the above-
11 mentioned expression of intention had admitted an
12 obligation to observe the provisions of the Convention
13 as a party thereto." (Ex. 2024 at p. 14,827).

14 Division 2 - AS REGARDS BRITISH COMMONWEALTH
15 OF NATIONS

16 3 Jan. 1942. Argentine Minister to TOGO advising that
17 British Commonwealth will observe provisions of POW
18 Convention of 1929 in treatment of Japanese POW and
19 requesting that Japanese Government do likewise in
20 treatment of British Commonwealth prisoners. (Ex.
21 1494 at p. 12,879).

22 5 Jan. 1942. Argentine Minister to TOGO advising that
23 British Commonwealth will observe national and racial
24 customs of prisoners as regards food and clothing. (Ex.
25

1495 at p. 12,830).

1 29 Jan. 1942. TOGO to Argentine Minister advising
2 that Japan (a) although not bound by POW Convention
3 of 1929 would "apply mutatis mutandis the provisions of
4 the said Convention" to British Commonwealth prisoners
5 in its hands, (b) would consider, on conditions of
6 reciprocity, the national and racial customs of
7 prisoners as to food and clothing. (Ex. 1496 at p.
8 12,832 and Ex. 1956 at p. 14,295).
9

10 Division 3 - GENERAL - WAR MINISTRY DECISIONS

11 13 & 16 Jan. 42. - Foreign Ministry sent to War
12 Ministry inquiries from Britain, America, etc. After
13 several conferences Vice Minister of War sent note
14 saying that as we did not ratify POW Convention '29 we
15 can hardly announce our observance of it, but it would
16 be safe to notify the world that we have no objection
17 to acting in accordance with the Convention in the
18 treatment of POW, and as regards food and clothing we
19 have no objection to giving due consideration to the
20 national or racial habits and customs of prisoners.
21 27 Jan. 42. Vice Minister of Foreign Affairs sent in-
22 quiry re application of POW Convention to internees.
23 War Ministry replied that there was no objection to
24 applying such principles to internees provided however
25 that they be not subjected to labour against their will.
(Ex. 1958 at p. 14,299.)

PART VI SUMMARY OF EVIDENCE AS TO INFORMATION RECEIVED
1 BY JAPANESE GOVERNMENT AS TO TREATMENT OF P.O.W.
2 AND INTERNEES

3 DIVISION I - PROTESTS AS TO MISTREATMENT OF P.O.W. AND
4 INTERNEES.

5 SUB-DIVISION I - ON BEHALF OF BRITISH COMMONWEALTH

6 (a) Burma

7 8 July 1942 Swiss Minister to TOGO - forwards
8 photograph contained in "Japan Times and Advertiser"
9 23 June 1942 showing British POW cleaning streets of
10 Rangoon under the amused eyes of public - forward British
11 Govt. protest. (Ex. 2022 (1) at p. 14,754 et seq.) -
12 1 Aug. 1942. Reminder sent (Ex. 2022 (2) at p. 14,755) -
13 No evidence of any reply being received.
14

15 (b) Rangoon Gaol

16 15 Sept. 1942 Swiss to TOJO - re Rangoon Gaol -
17 states "Information from most reliable sources is that
18 POW imprisoned in Rangoon are subjected to the following
19 treatment: (a) rations are confined to bread, salt and
20 water twice daily with occasional issues of vegetables;
21 (b) POW sleep on floor, on sacking or boards only;
22 (c) no cigarettes or tobacco are issued; (d) their
23 boots have been confiscated and they are compelled to do
24 heavy work when barefooted." - forwards Br. Govt. protest
25 (Ex. 2022 (3) at p. 14,754-6) - 9 Dec. 1942 - Reminder

sent to Foreign Minister TANI (Ex. 2022 (4) at p. 14,757) -

1 9 Feb. 1943 - TANI to Swiss Minister - denies occurrence
2 of incidents (Ex. 2022 (5) at p. 14,758).

3 (Note: Prosecution's evidence as to conditions at this
4 gaol is contained in Ex. 1555 at p. 12991).

5 (c) Burma

6 12 Feb. 1943 Swiss to TANI - Rangoon Gaol - ad-
7 ditional complaints - British and Indian Officers beaten
8 into unconsciousness - medical supplies insufficient -
9 sanitary conditions bad - 20 to 30 men have died - in-
10 sufficient water - Europeans compelled to carry out degrad-
11 ing work - POW deprived of food and severely punished for
12 trivial offences and in the case of Indians, for failure
13 to enlist in the National Army - inadequate clothing.
14 Swiss seek permission for representatives or delegates of
15 International Committee of the Red Cross to visit prisons
16 of Rangoon and Prison and Internee Camps in Burma and
17 Malaya. (Ex. 2022 (6) at p. 14,760) - No evidence of any
18 reply being received to this letter.

20 (d) Thailand

21 5 July 1943 Swiss Minister to SHIGEMITSU states
22 "The British Government are receiving fragmentary reports
23 that British prisoners of war in Thailand are being sub-
24 mitted to treatment so callous that many of them are
25 seriously ill. Thus a dependable source recently in

Thailand tells of serious deficiencies in rations issued,
1 lack of suitable clothing and shoes and complete lack of
2 quinine and other medicines. It is also understood that
3 POW have been put to heavy work on road and railway
4 building which aggravates the conditions induced by de-
5 ficiencies of their diet and by their lack of clothing and
6 medicines." (Ex. 2023 (1) at p. 14,791).

7 24 July 1943 SHIGEMITSU to Swiss Minister -
8 replying says "The competent authorities, to whom the con-
9 tents of the said letter were immediately communicated,
10 have informed me that prisoners in camp in Thailand are
11 equitably treated, all the sick have received proper medi-
12 cal treatment at a POW hospital. As regards a visit to the
13 camp permission will not be given for the present." (Ex.
14 2023 (2) at p. 14,792, and Ex. 2017 at p. 14,747).

15 30 Aug. 1943 Swiss Minister to SHIGEMITSU - "Re-
16 ferring to my letter of 5 July, I have the honor to bring
17 to the knowledge of Your Excellency that according to recent
18 information received by the Government of the United King-
19 dom, the condition of British prisoners of war continues
20 to leave much to be desired. "Since their arrival in
21 Thailand, the prisoners have been living in the jungle
22 under conditions of extreme hardship with sanitary condi-
23 tions very reduced. Food has been, for Europeans, insuffi-
24 cient and numerous diseases such as beriberi have been
25

caused by under-nourishment. Further, the prisoners have
1 become very weak through lack of meat, and they are suf-
2 fering from dysentery and diarrhoea. Cases of malaria are
3 also very numerous. The state of health of the prisoners
4 is extremely critical and the number of deaths exceeds
5 3,000. Also, prisoners are required to work long hours,
6 without break, and they are short of clothes, especially
7 trousers and boots. Recently, in order to speed up construc-
8 tion of a railway, they have been taken to work at all times
9 and hours. A number of Hindus, Chinese and Malays have been
10 living in proximity to British prisoners and they have been
11 using the same water. Cholera broke out at many places on
12 the line and many deaths occurred among British and Dutch
13 prisoners. The doctors in the camps were very worried by
14 this epidemic which spread rapidly. The prisoners lack in-
15 dispensable medicines, such as physiological saline, bis-
16 muth, kaolin, essential oils, potassium permanganate, to
17 treat this dangerous disease; nurses who attended the sick
18 were without protective coverings or antiseptics. The
19 hospital did not have sufficient equipment. In addition,
20 the prisoners suffered from other diseases and there were
21 no medicines to treat them properly. I consider it to be
22 of great importance that the Swiss Consul at Nangkok be
23 authorized to visit, as soon as he can, POW camps in that
24 country." (Ex. 2023 (3) at p. 14,792).

30 Sept. 1943 Swiss Minister to Foreign Affairs -

1 reminds no answer to 30 Aug. 1943 - further complains
2 of officers in POW camps in Thailand being compelled to
3 work - renews request for authority to visit camps in
4 Thailand (Ex. 2023 (4) at p. 14,793).

5 1 Oct. 1943 SHIGEMITSU to Swiss Minister replies
6 to 30 Aug. 1943 saying, "Regarding the treatment of British
7 POW in Thailand, I add to communication (of) 24 July
8 last, which given full particulars, that the Imperial
9 Government accords to POW the same treatment as to Japanese
10 soldiers stationed in Thailand." (Ex. 2023 (5) at p.
11 14,793).

12 20 Oct. 1943 Note Verbale - Foreign Affairs to
13 Swiss Minister - replies to 29 Sept. 1943 - denies facts
14 stated. (Ex. 2023 (6) at p. 14,793).

15 (Note (1) Affidavit of WAKAMITSU (Ex. 1989 at p. 14,633 -
16 inspected Burma-Siam area end of July or beginning of
17 Aug., 1943, as results of reports received that work not
18 progressing satisfactorily and that physical condition of
19 POW working on railway was poor and that the death rate was
20 very high - I saw laborers at work on railway and saw many
21 cases of dysentery and beri beri - feeding not satisfactory
22 - quantity and quality below desired standards - orally re-
23 ported results to SUGIYAMA and Vice C/s Lt. Gen. HATA in
24 Tokyo and recommended 2 months extension of deadline date -
25

(deadline date August, 1943).

1 (Note (2) - 3 Sept. 1943 - Telegram - POW Camp Commandant
2 Thaila; to POW Information Bureau - monthly report for
3 August 15,064 out of 40,314 POW sick - 37 died during month,
4 (Ex. 1988 at p. 14,609).

5 (Note (3) Prosecution's evidence Ex. 1565, 1566, 1567 at
6 pp 13060-71; Ex. 1569 at p 13074; Ex. 1574, 1575 at pp
7 13083-7; Coates pp 11411-78 Williams 13003-6.)

8 (e) Burma and Thailand

9 28 Feb. 1944 Swiss Minister to Foreign Office -
10 states the condition of POW in Thailand and Burma leaves
11 much to be desired and there are in particular many cases
12 of beri beri and the medical supplies to treat this disease
13 are non-existent. (Ex. 2022 (7) at p. 14,762) - 25 April
14 1944 Reminder (Ex. 2022 (8)) and 10 June 1944 Reminder (Ex.
15 2022 (9) at pp 14,763-4)

16 (Note: Prosecution's evidence as above and Ex. 1561, 1562,
17 1563 at pp 13054-9)

18 (f) Burma

19 4 July 1944 Swiss Minister to Foreign Affairs -
20 "(1) Area of Moulmein. (a) According to post cards
21 printed by the Japanese Authorities about 20,000 British
22 and Allied POW are detained in or near Moulmein. Transfer
23 or POW in this camp has never been notified. (b) Condi-
24 tions under which POW in Moulmein camp are detained are
25

known to be at least as bad as, even worse than others which exist in Thailand. During October and November of 1942, POW in Moulmein are known to have died at the rate of approximately 10 per day, principal cause of Japanese authorities in or near Moulmein, an even more appalling rate of mortality has occurred amongst POW working on the Burmese railway. These deaths are the direct and inevitable result of conditions in camps and in particular of the wholly inadequate rations provided by the Japanese authorities; the latter's failure to provide medicines or equipment in hospitals; always complete lack of adequate clothing or even footwear and of severity of labor exacted for POW. (c) Inspection of Prisons. In February, 1944, 25 POW paraded through town of Moulmein. They were in emaciated condition and were forced to carry notices in Burmese stating that they had recently been captured at Arakan Front. (This is not the case). They were further held up to ridicule and contempt by a Japanese Officer who accompanied the party.

(2) Burma. In the course of the first two Burma campaigns Japanese troops committed a number of atrocities on POW. The present Burma campaign has been marked by the maximum of ill-treatment of British and Indian POW including wounded soldiers and medical personnel captured near Ngakyoduk on 7 February 1944. Medical personnel were tortured and deprived of food and water for two days. No medical

known to be at least as bad as, even worse than others which exist in Thailand. During October and November of 1942, POW in Moulmein are known to have died at the rate of approximately 10 per day, principal cause of Japanese authorities in or near Moulmein, an even more appalling rate of mortality has occurred amongst POW working on the Burmese railway. These deaths are the direct and inevitable result of conditions in camps and in particular of the wholly inadequate rations provided by the Japanese authorities; the latter's failure to provide medicines or equipment in hospitals; always complete lack of adequate clothing or even footwear and of severity of labor exacted for POW. (c) Inspection of Prisons. In February, 1944, 25 POW paraded through town of Moulmein. They were in emaciated condition and were forced to carry notices in Burmese stating that they had recently been captured at Arakan Front. (This is not the case). They were further held up to ridicule and contempt by a Japanese Officer who accompanied the party. (2) Burma. In the course of the first two Burma campaigns Japanese troops committed a number of atrocities on POW. The present Burma campaign has been marked by the maximum of ill-treatment of British and Indian POW including wounded soldiers and medical personnel captured near Ngakyoduk on 7 February 1944. Medical personnel were tortured and deprived of food and water for two days. No medical

1 attention given to wounded POW and those who groaned were
 2 shot or bayoneted to death. On February 14th, Japanese
 3 vacated the area. Before doing so they deliberately
 4 massacred the remaining prisoners (at least 20 British and
 5 Indians, many of whom were wearing Red Cross Arm letterings)
 6 by shooting. Further instances of brutality of Japanese
 7 toward troops during the present campaign are: -

- 8 (a) Execution or beheading of wounded West-African L/Cpl
 9 Phoongyi and Ky-Sung at the end of January, 1944;
- 10 (b) Bayonetting of four Indian soldiers who had attempted
 11 to escape from a POW Camp about 5 miles east of Kalawain
 12 in January, 1944; (c) Massacre with swords of about 50
 13 wounded Britains and Indian POW at Manipur in March, 1944.
- 14 (d) Torture committed on 26 March 1944 at Khandok when a
 15 West African POW tied to a tree, finger nails cut off and
 16 his heart cut out by a Japanese medical officer." (Ex.
 17 2022 (10) at p. 14,764).

18 Note: Only specific evidence covering allegations in
 19 4 July 1944 is that of African POW at Khandok which was
 20 wrongly included in Solomons Islands evidence.

21 26 Aug. 1944 Foreign Affairs to Swiss - re 4 July
 22 1944 states that POW transferred to Burma had only been
 23 provisionally transferred. (Ex. 2022 (12) at p. 14,770).

24 18 Nov. 1944 Swiss Minister to Foreign Affairs -
 25 referring to 4 July 1944 requests reply re atrocities also

1 draws attention to massacre sometime in 1943 of six British
2 soldiers in Tavoy and protests against ill treatment of
3 700 British, American and Indian POW at Rangoon Central
4 Gao? (Ex. 2022 (14) at p. 14,773).

5 23 Jan. 1945 Swiss Minister to Foreign Affairs -

6 19 Mar. 1945 requests reply to 4 July 1944 (Ex.
7 2022 (17) and (18) at pp 14,781-4).

8 15 May 1945 Foreign Affairs to Swiss Minister -
9 replies to 4 July 1944 states that with regards to the
10 treatment of POW in Moulmein camps - and in the outskirts
11 of that city - are such that the concentrated efforts of all
12 sanitary services of the Japanese troops cannot prevent the
13 spreading of diseases of the digestive system, etc., cases
14 of which have increased, caused not only by the very bad
15 conditions due to the climate but also by the frequent in-
16 terruption in the rainy season of communications with these
17 localities. The Japanese troops suffered equally. Denies
18 execution of 25 POW - denies allegations of atrocities.
19 (Ex. 2022 (20) at pp 14,785-7). (Note: Prosecution's evi-
20 dence Ex. 1555, 1556, 1557, 1558 at pp 12991-4 in addition
21 to evidence cited under (e)

22
23 (g) Transportation

24 4 Dec. 1944 Swiss to SHIGEMITSU complains of
25 conditions of transport of POW from Singapore and Java to

1 Burma and Thailand - Australians were sent by sea to Burma,
2 crowded in the ships holds which had been horizontally sub-
3 divided, so that ceilings were no more than 4 ft. high.
4 Prisoners from U.K. were sent by railway to Thailand, so
5 crowded in the steel cattle trucks that they could not even
6 lay down during the journey. They were then marched some
7 80 miles. All were sent to work on the construction of a
8 railway through disease infested jungle in Thailand and
9 Burma. Conditions under which all these men lived and
10 worked were inhuman; such accommodation as usually provided
11 gave little or no protection against tropical rains or
12 blazing sun. Worn out clothing was not replaced and soon
13 many lacked clothing, boots and head covering. The only
14 food provided was a pannikin of rice and a small quantity
15 of watery soup three times a day, but work had to go on
16 without respite, whatever cost in human suffering and death.
17 The inevitable result was a dreadful death rate, last esti-
18 mate being 20 percent. These conditions continued until the
19 railway was finished about October, 1943. When those not
20 needed for maintenance work were moved to camps in Thailand
21 and later to Singapore en route to Japan. Australian POW
22 recovered from Japanese transport Rakuyo Maru said that
23 Japanese picked up Japanese survivors, but left POW to their
24 fate when ship was torpedoed. (Ex. 2022 (15) at p. 14,776).

23 April 1945 Swiss Minister to Foreign Affairs-

2 July 1945 requests reply to 4 December 1944

(Ex. 2022 (19) and (21) at p. 14,784 and p. 14,787).

(Note: Prosecution's evidence WILDE at pp 5445-63: LLOYD

pp 13013-4: COATES at pp 11403-4: WILLIAMS at pp 12999-13000; Ex. 1649 at p 13291)

(h) Japan

9 Aug. 1944 Swiss to Foreign Office - states that during recent visit of Swiss delegate to POW camps in Japan it was learned that there was still beri beri among POW and requests assurance that steps have been taken to combat this disease. (Ex. 2022 (11) at p. 14,769).

3 Oct. 1944 Foreign Office to Swiss - reply to 9 Aug. 1944 states that to combat beri beri unpolished rice is given in place of polished rice, also rice bran concentrated vitamins - less than one per cent in Japan and Thailand and in Burma only 2 per cent suffered from beri beri - same food in quality and quantity being given to POW as that given to Japanese base troops. (Ex. 2022 (13) at p. 14,771).

(Note) Prosecution evidence Chisholm at pp. 14271-5; Ex. 1920 at p. 14203; Ex. 1947, 1948 at pp 14252-3

(i) 5 Dec. 1944 Swiss Minister to Foreign Affairs - states that in Burma a mimeographed booklet entitled "Notes for the interrogation of POW" and marked "Very

1 "Secret" was put out on 6 Aug. 1943 by the HAYASHI Division
2 and bore the signature of FUJIHARA - advocates use of
3 torture in interrogation. (Ex. 2022 (16) at p. 14,779).

4 (j) Japan

5 16 June 43 Swiss Minister to Foreign Minister
6 suggests that additional food in form of soya products be
7 distributed to POW to augment nutritive value of their food.
8 (Ex. 2026 (I) at p. 14836)

9 23 June 43 Foreign Office to Swiss Minister states
10 that the British had previously made similar requests
11 through International Red Cross and that on 21 May 43 a
12 reply had been sent by Foreign Office that Japanese did not
13 see the necessity of increasing the supply of any parti-
14 cular foodstuff. (Ex. 2026 (2) at p. 14826)

15 (Note): For prosecution evidence - see (h) above.

16 SUBDIVISION II - ON BEHALF OF HOLLAND

17 General

18 (a) 30 Dec. 1943 Swedish Minister to SHIGEMITSU-
19 protests against Netherlands POW and internees being con-
20 fined in camps in close vicinity to military installations
21 in dangerous zones particularly on the coast of Burma and
22 requests their removal. (Ex. 1683 at p. 13,490).

23 5 May 1944 Foreign Minister to Swedish Minister -
24 states that Netherlands POW and internees are not confined
25 in dangerous zones and coast of Burma is not considered ex-

-posed to special danger. (Ex. 1684 at p. 13,491).

(Note: See prosecution's evidence VAN NOOTEN at p. 13,951).

SUB-DIVISION III - ON BEHALF OF UNITED STATES OF AMERICA

(a) Philippines, China and Japan

23 Dec. 1942 Swiss Minister to Foreign Minister - protests against treatment of (a) civilians at Bridge House Shanghai; Peiping; Tsingtao; Fort Santiago, Manila; Davao and other camps in the Philippines; and of a large number of civilians throughout areas occupied by Japanese; (b) prisoners of war in the Philippines and Shanghai. (Ex. 2024 (1) at p. 14,795, and Ex. 1477, at p. 12,797).

5 Feb. 1944 Swiss Minister to Foreign Minister - points out that except for a formal communication of 26 May 1943 stating that Japan would in due course forward the results of its investigations no reply had been received. Requests reply and forwards further protest as to subsequent atrocities. (Ex. 2024 (2) at p. 14,796 and Ex. 1479 at p. 12,803).

24 April 1944 Japanese Foreign Minister to Swiss Minister - forwards statement explaining or denying incidents alleged in Ex. 2024 (1). (Ex. 2024 (3) at p. 14,796)

28 April 1944 Japanese Foreign Minister to Swiss Minister - replies to Ex. 2024 (2) above. Denies all facts or grounds of protest alleged and makes counter protests as to treatment of Japanese internees by Americans. (Ex.

2024 (4) at p. 14,827)

1 16 Aug. 1944 SHIGEMITSU to Swiss Minister - for-
2 wards additional information as to conditions in POW and
3 Internment camps at Shanghai, Canton, Hong Kong, Java and
4 Philippines. (Ex. 2024 (5) at p. 14,829).

5 1 March 1945 Swiss Minister to SHIGEMITSU - states
6 that USA rejects Ex. 2024 (3) above as not being founded on
7 fact. (Ex. 2024 (6) at p. 14,831)

8 (Note: Prosecution evidence as to above in Ex. 1890 at p.
9 14,161; Ex. 1893, 1894 and pp. 14,165-6; Ex. 1897 at p.
10 14,172; Ex. 1900, 1901 at pp. 14,178-9; Ex. 1911 at p.
11 14,191; Ex. 1914 at p. 14,194; Powell at pp. 3,270-80).

12 (b) Wake Island

13 20 April 1942 TOGO to Swiss Minister - states that
14 of American POW on Wake Island a number cannot be trans-
15 ferred on account of wounds and illness, others are remain-
16 ing of their own accord to work. (Ex. 2034 at p. 14,932).

17 26 May 1942 Swiss Minister to TOGO - requests
18 information as to names of American nationals (a) removed
19 from Wake Island (b) remaining on Wake Island. (Ex. 2039
20 at p. 15,001).

21 10 Aug. 1942 TOGO to Swiss Minister - replying
22 to 26 May 1942 states that list of names of POW taken at
23 Wake Island have been dispatched through International Red
24 Cross and that Japanese Government is willing to reply to
25

1 every individual inquiry re civil internees. (Ex. 2040 at
2 p. 15,002).

3 21 Sept. 1942 Swiss Minister to TANI - says that
4 the names of only 29 of the POW taken at Wake Island have
5 been sent and requests that names of all American POW and
6 internees be sent. (Ex. 2041 at p. 15,003).

7 6 Oct. 1942 Swiss Minister to Foreign Minister -
8 states that U.S. Government has not received any report on
9 400 American civilians from Wake Island and requests that
10 report be supplied. (Ex. 2042 at p. 15,007)

11 8 April 1943 Swiss Minister to Foreign Minister -
12 states that names of 400 civilians from Wake Island have
13 not yet been received and requests that they be forwarded.
14 (Ex. 2043 at p. 15,008).

15 19 April 1943 Foreign Office to Swiss Minister
16 requests that names, etc. of 400 civilians allegedly not in-
17 cluded in list be supplied so that investigations may be
18 made. (Ex. 2044 at p. 15,008).

19 21 Aug. 1943 Swiss Minister to Foreign Office -
20 forwards list of names of 432 civilians alleged to be on
21 Wake Island at time of Japanese occupation. (Ex. 2045 at
22 p. 15,009)

23 8 Oct. 1943 Swiss Minister to Foreign Office -
24 states that no reply has been received to 21 Aug. 1943
25 forwarding list. (Ex. 2046 at p. 15,010)

1 10 Dec. 1943 Swiss Minister to Foreign Office -
2 states that report has not yet been received of 242 of
3 Americans from Wake Island. (Ex. 2047 at p. 15,011).

4 14 Feb. 1944 Swiss Minister to Foreign Minister -
5 requests reply to 10 Dec. 1943 letter. (Ex. 2048 at p.
6 15,012).

7 2 Sept. 1944 Swiss Minister to Foreign Office -
8 request reply to letters of 10 Dec. 1943 and 14 February
9 1944, re fate of 242 Americans at Wake Island. (Ex. 2049
10 at p. 15,012).

11 1 Nov. 1944 Swiss Minister to Foreign Office -
12 sends list of 173 Americans from Wake Island still un-
13 accounted for and requests that reports be sent. (Ex. 2050
14 at p. 15,013).

15 19 March 1945 Swiss Minister to Foreign Office -
16 requests answer to letter of 1 November 1944. (Ex. 2051 at
17 p. 15,013).

18 15 May 1945 Swiss Minister to Foreign Office -
19 requests reply to letters of 1 November 1944 and 19 March
20 1945. (Ex. 2052 at p. 15,014).

21 27 July 1945 Swiss Minister to Foreign Office -
22 requests reply to letters of 1 November 1944, 19 March 1945
23 and 15 May 1945 and states that no information has been re-
24 ceived as to fate of 173 Americans concerned. (Ex. 2053 at
25 p. 15,016).

Note: Prosecution evidence discloses: -

1 (1) that between January 6 and 22, 1942, five POW
2 were executed on Nitta-Maru (Ex. 2038 at pp. 14,992-9);

3 (2) that on 7 October 1943, 96 were executed, and
4 on 13 October the sole survivor was executed. These ex-
5 ecutions took place at Wake Island. (Stewart, pp. 14,911-
6 37, Ex. 2036-A, 2036-B and 2036-C at pp. 14,973-82).

7 (c) Palawan

8 19 May 1945 Secretary of State to American
9 Legation, Switzerland - asks that Swiss Minister be re-
10 quested to transmit to Japanese Government protest against
11 massacre of 150 American POW at Puerto Princesa, Palawan,
12 Philippine Islands on 14 December 1944 and request that
13 culprits be punished. (Ex. 1485 at p. 12,816).

14 3 June 1945 Note handed personally by Swiss Mini-
15 ster to TOGO complained of massacre referred to in Ex. 1485
16 and of general treatment of POW at that camp since their
17 capture. (Ex. 2107 and Ex. 2108 at pp. 15,200-2).

18 (Note: Prosecution's evidence of these atrocities is as
19 follows: Bogue at pp. 15,204-79; Ex. 2110, 2111 and 2112
20 at pp. 15,279-80).

21 (d) Japan

22 9 June 1945 Swiss Minister to Foreign Minister -
23 protests that American POW at Shinagawa and in Tokyo Bay
24 are compelled to work on naval docks and other work having
25

1 a direct connection with the war and that at Tokyo and Osaka
2 they are humiliated and beaten. (Ex. 2025 (8) at p. 14,835)
3 (Note: Re Osaka, prosecution's evidence is contained in
4 Ex. 1935, 1936 at pp. 14,236-8 and Ex. 1955 at p. 14,261).

5 1 Aug. 1945 Japanese Foreign Minister to Swiss
6 Minister - denies facts alleged in Ex. 2025 (8) above.
7 (Ex. 2025 (10) at p. 14,836).

8 (e) Thailand

9 5 July 1945 Swiss Minister to Foreign Minister -
10 protests on behalf of U.S.A. against quartering of POW at
11 Bangkok in close proximity to military objectives and their
12 employment in work having a direct connection with the
13 war. (Ex. 2025 (9) at p. 14,835).

14 DIVISION II - WIRELESS BROADCASTS RECORDED BY JAPANESE
15 FOREIGN OFFICE

16 24 Jan. 1944 1700 hours, through BBC- United
17 States Army and Navy authorities official report on Japan-
18 ese atrocities on American and Filipino prisoners - based
19 on sworn statements of escaped officers - in one camp 2,300
20 Americans died in April and May, 1942; in another, 4,000
21 died by October, 1942, death march.

22 29 Jan. 1944 (a) 700 hours through San Francisco
23 KWID quotes Secretary of State, Cordell Hull - thousands of
24 Americans and Filipino soldiers captured in Philippines
25 wantonly murdered by Japanese - 5,200 American soldiers

1 died mostly of starvation at two prison camps in October,
2 1942. Anthony Eden told British House of Commons thousands
3 of British, Chinese, Burmese and Indian POW and internees
4 have died in Japanese prison camps and British protest have
5 drawn unsatisfactory results.

6 (b) 800 hours through KWID - described Japanese
7 atrocities quoted Cordell Hull as above and his additional
8 statement that repeated protests had been lodged with Tokyo,
9 but to no apparent avail.

10 (c) 1800 hours through KWID - White House Secre-
11 tary Stephen Early said the Japanese Government will not
12 permit the United States Government to send food, material,
13 aid or supplies to U.S. and Filipino soldiers who are now
14 Japan's prisoners of war.

15 23 Oct. 1944 Army News Service - MacArthur's GHQ
16 Oct. 22 - General Mac Arthur addressed a warning to Field
17 Marshal Count TERAUCHI that he will hold enemy leaders im-
18 mediately responsible for failure to accord POW and in-
19 ternees proper treatment - unimpeachable evidence had been
20 received of degradation and brutality to which prisoners
21 had been subjected.

22 Note: Certificate of Japanese official states that trans-
23 cripts of recordings were regularly distributed to all
24 sections of the Foreign Office and also to Board of Infor-
25 mation, Navy Ministry and War Ministry. (Ex. 1488 at

p. 12,821).

DIVISION III - SUMMARY OF EVIDENCE OF JAPANESE OFFICIAL
DOCUMENTS AUTHORIZING OR ESTABLISHING THE COMMISSION OF
WAR CRIMES.

(a) WORK HAVING A CONNECTION WITH THE OPERATIONS
OF WAR (ART 6 HAGUE CONVENTION)

WORK HAVING A DIRECT RELATION WITH WAR OPERA-
TIONS. (ART 31 GENEVA CONVENTION)

(i) To Chief of Staff, Taiwan Army from Vice
Minister of War dated 6 May 42 - Summary of the arrangements
 for POW. - The Policy-I. "So that they can be used for the
 enlargement of our production and as military labor, white
 POW's will be confined successively in Korea, Formosa and
 Manchuria....." (Ex. 2010 at p. 14716)

(ii) Monthly reports of the Secret Service Police -
 August 1942 - p. 206. "2. A Plan to Use Prisoners of War
 as Result of Labor Shortage. Owing to the good results ob-
 tained by 150 American prisoners of war at Zentsuji Prisoner
 of War Camp who had been sent to Osaka in order to engage in
 laboring works as a neutralizing measure for labor shortage
 suffered in the military works and harbour equipment, the
 enterprising circles who were suffering from the labor short-
 age at several districts around Tokyo applied to the
 military authorities to allow them to use the POW as follows:
" (Ex. 1972A at p. 14509)

1 (iii) I. To Chief of Staff, Kwantung Army from
2 Vice Minister of War dated 22 Aug. 42 - "For the realiza-
3 tion of the urgent organization of the aircraft production,
4 we want to improve the present capacity of the Manchurian
5 Machine Tool Co. according to the plan of utilization en-
6 closed herewith and to allot a large part of its improved
7 capacity to the production of machine tools which are ne-
8 cessary for the urgent organization of the production of
9 air ordinances ammunitions and aircrafts in our country,
10 especially to the production of special machine tools for
11 mass production, which are necessary for the expansion of
12 the factory in the Nissen Motor Car Co. Manufacturing Sec-
13 tion, a main factory of ammunition for aviation automatic
14 gun....."

15 The enclosed plan envisages the employment of
16 1500 POW.

17 2. To Vice Minister of War from Chief of
18 Sta. Kwantung Army dated 9 Sept 42 - requests information
19 as to when the 1500 POW will be transferred.
20

21 3. To Chief of Military Affairs Bureau from
22 Chief of Staff, Kwantung Army dated 29 Sept. 42.
23 states "We are ready to intern about 1500 POW from the
24 South Sea.....we expect you to transfer POW as soon as pos-
25 sible.....we hope you will indicate to us the intention of
the Central Department on the treatment of prisoners....."

(Ex. 1970A at p. 14497)

1 (iv) Foreign Affairs Monthly Report September
2 1942 published by Foreign Section of the Police Bureau of
3 Home Ministry. "THE EMPLOYMENT OF WAR PRISONERS (Page 58)
4 The labor shortage problem in Japan has become quite acute
5 becoming more and more serious recently.....As a result
6 the Cabinet Planning Board entrusted by the Army Adminis-
7 trative Department for War Prisoners held a conference on
8 August 15 regarding the transfer of war prisoners to Japan
9 proper and their employment. At this conference the follow-
10 ing principles were discussed and decided to be carried
11 out.....I. Of the Industries in the National Mobiliza-
12 tion Plan, war prisoners shall be employed for mining steve-
13 doring and engineering and construction work for national
14 defence....." (Ex. 1971A at p. 14505)

16 (v) I. To TOJO Minister of War from Chief of
17 Staff, Eastern District Army dated 2 October 42.
18 "....we request your sanction of the employment of the war
19 prisoners interned in the Tokyo POW Camp for the under-
20 mentioned works.....I. Kinds of laborIndustrial
21 labor for the expansion of productive power.....2. Place
22 of labor (d) 8th working place - Munition factories for
23 expanding production....."

24 2. Draft of War Minister's Instruction to
25 The Commander of the Eastern District Army dated 2 October

42 - approves above application. NOTE Document bears seal
of Military Affairs Section of Military Affairs Bureau.
(Ex. 1967 at p. 14484)

(vi) Report of Governor of Kanagawa Prefecture to
Ministers of Welfare and Home Affairs dated 6 October 42
and to Eastern Area Army Commander dated 7 October 42 and
forwarded thence to War Ministry on 21 Oct 42

This report deals with POW labor by POW's from Kawasaki and
Yokohama Camps and contains (inter alia) "....It is general-
ly admitted by all the business proprietors alike that the
use of P.W. labor has made the systematic operation of trans-
portation possible for the first time, and has not only
produced a great influence in the business circle but will
also contribute greatly to the expansion of production, in-
cluding munitions of war. Though the public has not been
informed of PW labor, those who have guessed about it from
seeing them on their way to and from the place of labor and
their camps, seem to realize with gratitude the glory of th
Imperial Throne, seeing before their eyes English and
American POW at their labor. A considerable influence seem
to have been exercised over the people of this prefecture,
many of whom had been considerably pro Anglo-American.....'

(Ex. 1969 at p. 14491)

(vii) To TOJO, War Minister from ITAGAKI, Korean
Army Commander dated 4 Sept 42 Report of the provisions in

regards to the Korean POW Internment Camps.

1".....Art II. Not one POW must be left to time in idleness.
2Allow appropriate labor according to their skill, age and
3physical strength, thereby using them in industrial deve-
4lopment and military labor" (Ex. 1976 at p. 14529)

5 (b) COMPULSORY LABOR BY OFFICERS. (Art 6 Hague
6Convention 1907, Art 27 Geneva Convention 1929)

7 (i) Notification from the Director of POW Custody
8Division to the Ministry of War, to Army Units concerned
9dated 3 June 42.

10
11"Subject: Labor Imposed upon POW Officers and Non-Commis-
12sioned Officers (POW No. 4-2, June 3, 1942)

13Although the imposition of labor upon POW officers and non-
14commissioned officers is prohibited under Article I, of the
15POW Labor Regulations (Army Note No. 139, Sept 10, 1904),
16it is the policy of the Central Authorities, in view of the
17present condition of this country which does not allow any-
18one to lie idle and eat freely, and also with a view to
19maintaining the health of prisoners of war, to have them
20volunteer to work in accordance with their respective
21status, intelligence, physical strength etc. Therefore it
22is desired that proper direction be given accordingly....."
23(Ex. 1961 at p. 14425)

24 (ii) To Chief of Staff Taiwan Army from Chief, POW
25Control Bureau dated 5 June 42.

1 Contains notification in similar terms to (i) immediately
2 above (Ex. 2003 at p. 14708)

3 (iii) To TOJO, Minister of War from ITAGAKI, Korean
4 Army Commander dated 4 Sept. 42.

5 Report of the Provisions in regards to the Korean POW
6 Internment Camps.

7 "....Art. III-All POW including officers shall work. But
8 guide those above warrant officers according to status,
9 ability and physical strength to work voluntarily on the
10 following....." (Ex. 1976 at p. 14529)

11 (c) POW EXPOSED TO PUBLIC CURIOSITY (Art. 2
12 Geneva Convention 1929)

13 (i) Report of Governor of Kanagawa Prefecture to
14 Ministers of Welfare and Home Affairs dated 6 Oct. 42 and
15 to Eastern Area Army Commander dated 7 Oct 42 and forwarded
16 thence to War Ministry on 21 Oct. 42.

17 See (a) (vi) above. (Ex. 1961 at p. 14491)

18 (ii) I.To Vice Minister of War from Chief of Staff
19 Korean Army dated 4 Mar 42

20 "As it would be very effective in stamping out the respect
21 and admiration of the Korean people for Britain and America,
22 and also in establishing in them a strong faith in victory,
23 and as the Government-General and the Army are both strongly
24 desirous of it we wish you would intern 1000 British and
25 1000 American POW in Korea....." Signal goes on to suggest

use of certain buildings for internment.

1 Note: Document marked as having been received by Military
2 Affairs Section on 4 March 42.

3 2. Draft Reply Vice Minister to Chief of Staff,
4 Korean Army dated 5 Mar 42 states that 1000 POW are to be
5 sent and suggests that proposed buildings are too good for
6 POW.

7 3. To TOJO, Minister of War from ITAGAKI, Cin C,
8 Korean Army dated 23 Mar 42 sets out plan for internment
9 of POW-"I. Purpose: It is our purpose by interning American
10 and British POW in Korea to make the Koreans realize posi-
11 tively the true might of our Empire as well as to contri-
12 bute to psychological propaganda work for stamping out any
13 ideas of worship of Europe and America which the greater
14 part of Korea still retains at bottom. (Ex. 1973 at p.
15 14512)
16

17 4. To Vice-Minister of War, KIMURA from Chief of
18 Staff, Korean Army dated 13 October 42. reports parade of
19 998 POW along bystander thronged roads of Fusan, Seoul and
20 Jinsen-".....As a whole it seems that the idea was very
21 successful in driving all admiration for the British and
22 Americans out of their (Koreans) minds and in driving into
23 them an understanding of the situation....." (Ex. 1975 at
24 p. 14520)
25

(d) POW COMPELLED TO SIGN NON-ESCAPE OATH OR AGREEMENT. (Art II Hague Conven. 1907)

(i) I. Detailed Regulations for Treatment of POW (War Ministry Notification No. 29,21 April 43 as amended by War Ministry Notification No. 58, 1943)

"Article 5 - As soon as POW have been imprisoned, they shall be administered an oath forbidding them from making an escape. POW who refuse to take the oath mentioned in the previous paragraph shall be deemed to have intentions of escaping and shall be placed under strict surveillance.

(p 8 of Ex. 1965) Disciplinary Law for POW (Law No. 41 9 March 43) "Article 10- Those persons who have taken an oath not to escape and who violate this oath shall be subject to either hard labor or imprisonment for a minimum of one year. Those persons who violate any other oaths shall be subject to a maximum of ten years. (p 30 of Ex 1965) (Ex 1965 at p. 14439)

2. Extract from the Imperial Diet Proceedings of Feb 17 1943 concerning the draft of revision of a part of military service law and three other matters.

Contains address made to Diet by KIMURA as a preliminary to passage of LAW No 41 above. (Ex 1966 at p. 14477)

(ii) To Minister from Commander of Taiwan Army dated 1 Sept. 42 Reporting arrival of POW at Taiwan-".....

2. At first Lt-Gen. Percival and others refused to make an

oath, but finally all but three (.....) signed their names. After that they became obedient. (Ex 1968 at p. 14488)

(iii) To Vice Minister KIMURA from Chief of Staff Korean Army dated 13 Oct 42 ---reports arrival of POW in Korea "....Immediately after arrival, we succeeded in making them all take oath...." (Ex 1975 at p. 14520)

Note: Document shows on face that it was received in Military Affairs Section on 19 Oct 42, but not received at the Information Bureau and War Prisoners Control Department until 22nd and 27th October respectively.

(e) PUNISHMENTS IMPOSED ON PRISONERS BY COURTS MARTIAL WERE OBVIOUSLY ILLEGAL AS BEING IN EXCESS OF THOSE PERMITTED BY THE CONVENTIONS OR AS BEING IMPOSED FOR WHAT COULD NOT IN FACT BE AN OFFENCE.

(i) (Escaped prisoners liable only to disciplinary punishment, Art 8 Hague Conv. and Art. 50 Geneva Convention Between 2nd June 42 and 3rd March 45, 64 POW were convicted by Courts Martial for violation of non-escape oath and received sentences ranging from 1 years imprisonment to death (Ex. 1998 at p. 14682)

(ii) (Prisoners of war were convicted for espionage Art. 29 Hague Convention) Between 1 Dec 43 and 25 Nov 44, 1 POW were convicted of espionage and sentenced to death and one was convicted of attempted espionage and sentenced to

14 years imprisonment. (Ex 1998 at p. 14682)

1 (iii) To Chief of POW Camps from Commanding Offi-
 2 cer POW Information Bureau dated 27 July 43 shows that re-
 3 turns of Court Martial Punishments and Disciplinary Punish-
 4 ments of POW were made to POW Information Bureau. (Ex. 1999
 5 at p. 14698)

6 (f) PRISONERS OF WAR WERE CRUELLY TREATED. (Art.
 7 4 Hague Convention, Arts. 2,46 Geneva Convention 1929)

8 (i) Censorship Instructions from Chief of Infor-
 9 mation Bureau, War Ministry dated 20 Dec. 43.

10 ".....Any reports which give an impression of cruel treat-
 11 ment, such as prisoners being punished being made to labor
 12 without clothing...." are prohibited because they might
 13 "give the enemy food for evil propaganda and bring harm to
 14 our interned brothers. (Ex 1977 at p. 14539)

16 (ii) Report on Treatment of POW in Prisoners Camps
 17 in Japan proper Pages 14 to 33 and 54 to 70 give details
 18 of 156 offences committed by Japanese against POW between
 19 Feb. 43 and Aug. 45 and of the punishment inflicted on the
 20 offender. It is noticeable that the punishment meted out is
 21 trivial and bears no relation to the hurt he was inflicted
 22 on POW. Thus the common punishment for beating prisoners
 23 is "admonition" or "reproof", for detaining POW in the guard
 24 house in the depth of win ter without clothing or bedding,
 25 Capt. Murakami was admonished, (p.64), for beating and

1 bayonetting a POW another Jap was sentenced to "5 days heavy
 2 good behaviour" (p.66), whilst another who frequently
 3 lynched POW was admonished (p.67). Further, as is to be
 4 expected, the punishments were so slight that they had no
 5 deterrent effect on the Japanese, with the result that it
 6 is quite common to find individuals repeating their offences
 7 time and time again. Thus at Hakodate Camp we find one man,
 8 Sankai, committing the offence of beating POW on 3 separate
 9 occasions and being admonished as a punishment on each oc-
 10 casion (p. 54-5). At the same camp a Corporal Asatoshi beat
 11 a POW in May 43 and was reprovved (p.54) for a similar of-
 12 fence in 1944 he received one days confinement (p.16), whilst
 13 a repetition in 1945 resulted in "5 days attention" (p.17).
 14 (Ex. 3128 at p. 27894-Note. The defence did not read into
 15 the Record the pages referred to so that pages of the ex-
 16 hibit itself are given above)

17 (g) MURDER OF PRISONERS (Art. 4 Hague Convention,
 18 Art. 2 Geneva Convention)

19 (i) Journal of Taiwan POW Camp Headquarters dated
 20 1 Aug 44. Sets out plan for the final disposition of POW.
 21 It provides that unless they revolt or try to escape they
 22 should not be executed until superior orders are received.
 23 They may be disposed of in any way such as poisoning, bomb-
 24 ing, gassing, drowning decapitation, but the aim is not to
 25 allow the escape of a single one and not to leave any

traces. (Ex. 2015 at p. 14724)

(h) CONCEALMENT OF EVIDENCE TO PROTECT GUILTY PERSONS.

(i) Certificate dated 5 Aug. 46 that the Adjutant General under the order the War Minister on 14 Aug. 45 issued a notification to all Army troops to the effect that "the confidential documents held by every troop should be destroyed by fire immediately" (Ex. 2000 at p. 14699) and Instructions issued by Chief of Military Police HQ dated 14 Aug. 45 and thereafter for destruction of documents (Ex. 2001 at p. 14700)

(ii) To Chief of Staff, Taiwan Army from Chief POW Camps Tokio dated 20 Aug 45. "Personnel who mistreat POW and internees or who are held in extremely bad sentiment by them are permitted to take care of it by immediate transferring or by fleeing without trace. Moreover documents which would be unfavorable for us in the hands of the enemy are to be treated in the same way as secret documents and destroyed when finished with" The addressee of this signal were:-Korean Army, Taiwan Army, Kwantung Army, North China Area Army, Hong Kong. Reference made to Korea, Taiwan, Mukden, Borneo, North China Hong Kong, Thailand, Malaya, Java. Each POW Commanding Officer. (Ex. 2011 at p. 14718)

PART VII - SUMMARY OF EVIDENCE SHOWING PROPORTION OF ALLIED
P. O. W. WHO WERE KILLED OR DIED IN CAPTIVITY TO THE NUMBER
OF ALLIED P. O. W. CAPTURED.

1.	Australian	7412/21726	(Ex. 2028, T. 14,901)
2.	Canadian	273/1691	(Ex. 2029, T. 14,901)
3.	United Kingdom	12433/50016	(Ex. 2030, T. 14,903)
4.	New Zealand	31/121	(Ex. 2032, T. 14,905)
5.	United States	7107/21580	(Ex. 2033, T. 14,907)
6.	Dutch (Europeans)	8500/37000	(Ex. 1677, T. 13,478)

(Note: (a) Evidence not given as to other Allied P.O.W.
(b) Similar comparisons in relation to Allied
P.O.W. captured by Germans or Italians in
relation to United Kingdom and United States
are as follows:-

<u>United Kingdom</u>	7310/142319
<u>United States</u>	2038/93154

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1 COLONEL MORNANE: Mr. Horwitz will carry
2 on with the liability of individual defendants.

3 THE PRESIDENT: Mr. Horwitz.

4 MR. HORWITZ: THE LIABILITY OF THE DEFENDANTS.

5 K-1. If one unfamiliar with the facts of the
6 case should cursorily read through the official per-
7 sonal records of the individual defendants, he might
8 for an instant conclude that the defendants were an
9 oddly assorted group and that there was no unity among
10 them to justify the conclusion that they had committed
11 a common crime or to justify trying them in a common
12 trial. The defendants seem to fall into several cat-
13 egories, some of which are apparently closely related
14 to each other, while some for the moment seem to have
15 no apparent relation with the others. A few of the
16 defendants were prime ministers of Japan. Most of
17 them at some time or other held cabinet positions.
18 Some held only subordinate cabinet positions and never
19 during the period of the Indictment rose to the level
20 of cabinet rank. Some were army officers in the field.
21 Some were diplomats. Some were propagandists. One
22 held the unusual position of being the personal ad-
23 viser to the Emperor at a most critical period.
24

25 K-2. However, upon a little further study
of the careers of these men, the original off-hand

1 impression is hastily dispelled. In the first place,
2 it becomes apparent that the several categories are
3 not mutually exclusive. Many of the defendants at
4 one time belonged to one category and at a later time
5 belonged to another. More important, a study of the
6 facts of this case discloses that there is one unity
7 that overrides all the differences between the various
8 defendants -- that all were engaged in the task of
9 formulating Japan's aggressive policy and all were
10 therefore responsible for that policy. Each and every
11 defendant is charged with the crimes now being tried
12 solely because of the responsibility he bears for his
13 contribution to the formulation, in whole or in part,
14 of Japan's aggressive policy.

15 K-3. Stating the proposition conversely, no
16 man has been charged with either crimes against peace
17 or conventional war crimes and crimes against humanity
18 unless he is in some way responsible for the aggressive
19 policy followed by Japan, which gave rise to those
20 crimes. No man has been charged in this proceeding
21 because of any act committed or any statement made by
22 him in the course of his official duties pursuant to
23 an already established policy if those matters were
24 his only connection with that aggressive policy. No
25

1 military man in the field has been charged with the
2 crimes pertaining to aggressive war merely because he
3 carried out military operations during the course of
4 an aggressive war being pursued by his government.
5 He has been charged with such crimes only if he par-
6 ticipated in the formulation of the aggressive policy
7 of the government, or if he, in the first instance,
8 induced the aggression which was subsequently made
9 the policy of the government. DOHIHARA and ITAGAKI
10 would not have been charged with the crimes against
11 China if their only actions had been to carry out
12 military operations pursuant to orders from the General
13 Staff. They are charged because of their activities
14 in instigating the matter and in bringing about the
15 adoption of the program of aggression. Likewise no
16 military man or civilian in the dock has been charged
17 with conventional war crimes and crimes against humanity
18 because he personally committed either of these crimes.
19 He is charged because as a member of the government or
20 as a leader in the field he is responsible, either
21 because of orders issued or, because of toleration of
22 a known situation, for what is tantamount to a formula-
23 tion of policy to govern either all the forces of Japan,
24 or, in the case of a military man in the field, the
25 forces under his leadership.

K-4. No diplomat has been charged in any
1 instance because he carried out the instructions of the
2 Foreign Minister. This is not because the prosecution
3 recognizes any claim of diplomatic immunity. Such an
4 immunity does not exist. Any claim to such an immunity
5 rests solely upon the claim that the sovereign, whom
6 the ambassador represents, is immune. However, it has
7 already been shown that the sovereign is not immune
8 from responsibility for a crime against international
9 law. The ambassador's claim to immunity falls with
10 the sovereign's claim. The reason for the non-inclusion
11 of such ambassadors is that the ordinary character of
12 an ambassador as a conduit transmitting messages and
13 information between his own nation and the nation to
14 which he is accredited has been recognized. Despite
15 the importance of his task, Admiral NOMURA, former
16 Ambassador to the United States, has not been charged
17 with crimes of aggressive warfare because, upon con-
18 sidering all the evidence, the prosecution has felt
19 that he was at all times merely carrying out the
20 orders of his government and therefore never stepped
21 beyond the limits of his role as a conduit. However,
22 where a diplomat undertakes to bring about a change
23 in his government's policy in favor of aggression, he
24 becomes responsible for the formulation of the
25

aggressive policy if adopted, ceases to be a conduit
1 and loses the protection given to a diplomat who stays
2 within the confines of his task. OSHIMA and SHIRATORI
3 have not been charged for any aggressive acts committed
4 or statements made prior to the time they became formu-
5 lators of national policy. They have been charged
6 solely because they ceased to be conduits and spear-
7 headed the movement to bring Japan into the Axis
8 partnership in crime. Having elected to become archi-
9 tects of national policy they are responsible for that
10 policy and the acts committed by themselves and others
11 pursuant to it.
12

13 K-5. Although all of the defendants are
14 criminally responsible as formulators of Japan's ag-
15 gressive policies, the liabilities of the individual
16 defendants for any particular act do not all rest on
17 the same basis. With respect to any particular act,
18 for the purposes of ascertaining the nature and scope
19 of their responsibility for that act, the defendants
20 may be divided into three categories: (1) Those
21 defendants who had the ultimate duty or responsibility
22 for policy formulation fixed by the law of Japan;
23 (2) those defendants, who although they do not have
24 the ultimate duty or responsibility, had the duty or
25 responsibility for policy formulation in a subordinate

or intermediate capacity fixed by the law of Japan;

1 and (3) those defendants, who although they had no
2 duty or responsibility fixed by the law of Japan, have
3 by their acts and statements placed themselves on the
4 policy-making level and are therefore chargeable with
5 responsibility in fact.

6 K-6. The first category of defendants, those
7 who had ultimate duty or responsibility fixed by the
8 law of Japan, consists of those defendants who were
9 members of a policy-making body or were the policy-
10 making head of some main branch of the Japanese govern-
11 mental structure. In so far as crimes against peace
12 are concerned, it includes the cabinet ministers,
13 including prime ministers, both as members of the
14 Cabinet Council and as heads of their respective
15 ministries, the members of the Privy Council, the mem-
16 bers of the Supreme Command and the Lord Keeper of the
17 Privy Seal. In so far as conventional war crimes and
18 crimes against human ty are concerned, it includes
19 all those specified and the commanders of a theater or
20 army in the field. In the case of this group of
21 defendants, since they are charged with ultimate duty
22 or responsibility for the formulation of policy within
23 their respective spheres of power, they are liable for
24 the aggressive policy adopted whether or not they did
25

1 in fact themselves exercise their powers. It is ob-
2 vious that one who has the ultimate power and duty to
3 make a policy decision, either individually as the
4 head of a main branch of the Japanese governmental
5 structure or corporately as a member of a policy-making
6 body, and who personally exercises his power, is respon-
7 sible for that exercise of power. However, he is like-
8 wise equally responsible if he permits someone else
9 to exercise that power. If a member of a policy-making
10 body delegates his power to one or more of the other
11 members of the body either expressly or impliedly,
12 he is liable for the decision of those other members
13 in the same way as if he had personally participated
14 in the decision. Having been given the power and the
15 duty or responsibility by the organic law and the
16 legislation enacted pursuant thereto, he cannot es-
17 cape his responsibility by delegating his power to
18 others who share that power with him. This is par-
19 ticularly true where he subsequently acquiesces in the
20 decision so made or goes even further by taking steps
21 to effectuate it. In fact, such conduct may be deemed
22 a ratification by him of the decision and be, therefore,
23 tantamount to a personal exercise of the power. Unless
24 the person delegating his power to other members of a
25 policy-making body expressly repudiates the decisions

1 made by them, he cannot escape the ultimate responsi-
2 bility for that decision imposed upon him by law. Thus
3 every member of the cabinet who permitted the Four
4 Ministers and Five Ministers Conferences to make decisions
5 of national policy and who did not repudiate those
6 decisions is equally responsible for the decisions so
7 made as though he himself participated in the decision.

8 K-7. If a head of a main branch of a govern-
9 mental structure having ultimate power and ultimate
10 duty or responsibility with respect to the policy of
11 that branch delegates his powers to a subordinate, he
12 is responsible for the decision made by that subordinate.
13 He cannot escape that responsibility unless he repudi-
14 ates or reverses that decision. The law imposes the
15 ultimate responsibility upon him, and unless the decision
16 is reversed by him, he must be deemed to have acquiesced
17 in or to have sanctioned it. Otherwise, he could com-
18 pletely avoid all responsibility by merely delegating
19 his powers and duties among his various subordinates.
20 Likewise, a commander of any army or of a theater of
21 operations has ultimate responsibility for the conduct
22 of his troops. For purposes of administrative effici-
23 ency he may delegate his powers to his subordinate
24 commanders. However, his ultimate responsibility
25 remains. If the subordinate commander misuses these

1 powers or fails to exercise them, the responsibility
2 rests upon the person having ultimate responsibility,
3 unless he has taken the necessary corrective measures.

4 K-8. It may be contended by the defense that
5 the ultimate responsibility imposed by Japanese law
6 on this category of officeholder is solely political
7 responsibility. Assuming for purposes of argument
8 this to be so (but not conceding it, since such persons
9 may well have criminal responsibility for their
10 decisions under the law of Japan) when the political
11 act of a nation is a crime in international law, then
12 the person having ultimate political power, duty and
13 responsibility in the nation for that act is without
14 doubt a person whose services are indispensable for
15 the commission of the crime. Without his affirmative
16 decision or acquiescence the criminal act could not
17 have been committed. Therefore, the person with ul-
18 timate political duty or responsibility nationally has
19 the corresponding criminal responsibility internation-
20 ally.

21 K-9. However, the fact that the person
22 ultimately responsible for the act is guilty of the
23 crime does not mean that others also cannot be responsi-
24 ble and therefore criminally liable for the act.
25 Certain individuals, while they may not have the ultimate

1 duty or responsibility imposed upon them, may by law
2 have imposed upon them power and duty or responsibility
3 of an intermediate or subordinate character. For ex-
4 ample, although the war minister has the ultimate
5 responsibility for the policy decisions of his ministry,
6 it is also true that the chief of the Military Affairs
7 Bureau has by law an intermediate duty or responsibility
8 for "matters concerning the fundamental principles
9 of national defense" and "matters concerning general
10 affairs of national defense policy."^{a.} Likewise,
11 while the navy minister has ultimate responsibility
12 for the policy decisions of his ministry, the chief
13 of the Naval Affairs Bureau has by law an intermediate
14 duty or responsibility for "matters concerning national
15 defense policy" and for "matters concerning the dis-
16 semination of consciousness relating to national
17 defense."^{b.} There is, unfortunately, a tendency in
18 modern political thinking to overlook the importance
19 of this intermediate group in the formulation of
20 government policy and to impose sole liability upon
21 the persons with ultimate responsibility. Yet this
22 group, perhaps more than any other, is responsible
23 for most policy decisions today in all governments. It
24 is these subordinate officials who ordinarily formulate
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(K-9. a. Ex. 74, Art. 11, 12.

b. Ex. 75, Art. 9.

1 government policy in the first instance. More often
2 than not it is among this group that national policy
3 is really determined. Their decisions often become
4 the decisions formally adopted and acquiesced in by
5 the person with the ultimate duty or responsibility.
6 This is inherent in the very nature of modern govern-
7 ment. A person with ultimate responsibility has multi-
8 farious duties covering a wide field and he must rely
9 upon his subordinates. Otherwise, there would be no
10 need of having them. He relies upon them because he
11 has implicit confidence in them or feels that they
12 are experts in their particular field. These sub-
13 ordinates are actual participants. Even under the
14 most technical view, these persons are instigators
15 and accomplices in the establishment of the policy.
16 The only way a person having intermediate responsi-
17 bility can escape criminal liability for an act which
18 is an international crime is to show that in the par-
19 ticular instance he had nothing to do with the specific
20 act or that the policy adopted was in fact opposed by
21 him and contrary to that which he counselled.

22 K-10. Responsibility for a political act
23 which is a crime in international law does not stop
24 with those bearing responsibility by law, either ulti-
25 mate or subordinate. In addition, there are many

1 people without duty or responsibility fixed by law,
2 who, because of their conduct, are responsible in fact
3 for the act committed. This group includes those govern-
4 mental officials who, although not entrusted with
5 policy-making power and not subject to its concomitant
6 responsibility, use their office and their relations
7 with their policy-making superiors and colleagues to
8 influence the decision and action of those entrusted
9 with the power. By so doing, they bring themselves
10 in fact up to the policy-making level. It also in-
11 cludes many persons not officially connected with the
12 government, such as pressure groups and the trusted
13 confidants of the responsible official, who use their
14 power to influence those with responsibility to make
15 a decision in a certain way. While it can truthfully
16 be said, as it may be contended, that the activities
17 of this group are meaningless unless those with power
18 adopt the policy advocated, this does not mean this
19 group has no responsibility. It must also be remembered
20 that few decisions made by those ultimately in power
21 are made without the pressure of these governmentally
22 non-responsible individuals and groups. These people
23 are more often than not the real initiators of the
24 policy ultimately adopted by those in power, and it
25 is their demands and arguments, and unfortunately

1 sometimes their threats, unlawful inducements and acts
2 of unlawful force which bring about the adoption of a
3 specific policy. In so exercising their power and
4 influence they are participating in the formulation
5 of national policy and share in fact the responsibility
6 for its adoption. If the act they advocate and suc-
7 ceed in having executed is a crime, they are liable
8 for that crime at least as instigators and accomplices.

9 K-11. Although the evidence shows that with
10 respect to all of the defendants their guilt is based
11 for the most part on their responsibility in fact
12 because of their active participation in formulating
13 Japan's aggressive policy, most of the defendants may
14 be held liable alternatively for all of their acts
15 committed while holding office by reason of the legal
16 duty or responsibility, ultimate or intermediate,
17 which flowed from their holding high office in the
18 Japanese political structure. To determine whether
19 any defendant had an ultimate duty or responsibility
20 by imposition of law, it is necessary to consider the
21 Japanese political structure. We should be unwarranted
22 in assuming that the Japanese governmental structure
23 was like that of other nations, particularly the
24 western nations, and it would be unsafe for us to pro-
25 ceed upon that assumption. The evidence shows that

1 while there were many surface points of similarity,
2 there were many variants of gravest importance from
3 the usual basic governmental structure. It is these
4 variants which establish the ultimate responsibility
5 in law of some of the defendants, and which we will
6 now consider.

7 K-12. According to the Constitution of Japan
8 in force during the period covered by this proceeding,
9 all powers of government were vested in the Emperor
10 of Japan.^{a.} However, the defendants themselves, in
11 so far as they have touched upon the problem, have
12 asserted that the Emperor acted only upon the advice
13 of his advisers. Two of the chief defendants, KIDO
14 and TOJO, in discussing the Japanese government, testi-
15 fied that the Emperor was powerless to oppose the
16 decisions or advice of his advisers.^{b.} Whether this
17 testimony can be considered, unless qualified, as an
18 exact statement of Japanese constitutional law, or
19 whether the matter, instead of involving a question of
20 lack of power, merely represented the actual practice
21 followed of accepting the decisions of the advisers
22 is immaterial to this proceeding. The net effect of
23 accepting either view is the same. In any event, the
24 evidence shows that the decisions actually put into
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(K-12. a. Ex. 68, Arts. 1-16.

b. T. 31329-33; Ex. 2655, T. 36379-83.)

effect were the policies propounded, advocated and
1 established by the advisers. Moreover, it is these
2 defendants that have stated this proposition. They
3 were the advisers and they have elected to place ultimate
4 responsibility upon themselves. They must therefore
5 accept the necessary inferences that may be drawn
6 from their election. The officials having ultimate
7 responsibility for the exercise of the powers vested
8 in the Emperor were the cabinet ministers, the members
9 of the Supreme Command, the members of the Privy
10 Council and the Lord Keeper of the Privy Seal.

11 K-13. A member of the cabinet usually bears
12 ultimate responsibility in two capacities: as a minister
13 of state, who is a member of the cabinet, and as
14 head of one of the executive branches of the government.
15 In a few instances a cabinet minister has held
16 the post of minister of state without portfolio and
17 therefore bears ultimate responsibility as a cabinet
18 minister only in his capacity as a minister of state.
19 With reference to the cabinet as a body, although it
20 is the primary policy-making body with respect to
21 state affairs, there is no specific reference of the
22 cabinet in the Constitution. If it is included, it
23 is only by implication through the provision requiring
24 (K-13. a. Ex. 70, Art. 10)
25

1 the ministers of state to give their advice to the
2 Emperor and to be responsible for it, and requiring
3 all laws, Imperial Ordinances and Rescripts relating
4 to affairs of state to be countersigned by a minister
5 of state. ^{b.} However, regardless of any constitutional
6 provision, the Cabinet existed as a collective body
7 for the purpose of initiating, determining, directing
8 and carrying out the general policy of the government.
9 The Imperial Ordinance of 1885 on the Organization of
10 the Cabinet specifically provided that the cabinet
11 should be composed of the various ministers of state. ^{c.}
12 As a body, the cabinet had wide policy-making powers
13 and responsibility. By law, there had to be submitted
14 for its deliberation all laws, financial estimates,
15 treaties, international questions of importance,
16 Imperial Ordinances relating to the organization of
17 government offices and the enforcement of regulations
18 and laws, expenditures outside the budget, the appoint-
19 ment of officials of Chokunin rank and any important
20 matter connected with the affairs in charge of the
21 various ministries. ^{d.} While certain of these powers
22 were exercised in conjunction with the Diet when that
23 body was in session, these powers were also exercised
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25 (K-13. b. Ex. 68, Art. 45.
c. Ex. 70, Art. 1.
d. Ex. 70, Art. 5.)

1 by the cabinet either alone or with the Privy Council
2 when the Diet was not in session.^{e.} Since the Diet
3 session did not ordinarily exceed three months,^{f.}
4 the cabinet exercised the legislative power without
5 the concurrence of the Diet for the greater part of the
6 year. Furthermore, with respect to finances, the
7 cabinet had certain powers which protected it against
8 the limitations imposed by the Diet.^{g.} As a body,
9 the cabinet operated on the principle of unanimity.
10 Cabinet decisions required the unanimous vote of all
11 members of the cabinet, and no cabinet decision could
12 be reached if there was a single opposing vote.^{h.}
13 Every minister was, therefore, responsible in entirety
14 for every decision made and every act done wherever
15 cabinet action for such decision or act was required.
16 No cabinet minister can escape his responsibility by
17 establishing his personal feelings of opposition to
18 a cabinet decision. The decision could not have been
19 made without his consent. He always had the alterna-
20 tive of resigning instead of casting his affirmative
21 vote for or expressing his acquiescence in, an aggres-
22 sive measure. If he did not resign despite his
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24 (K-13. e. Ex. 68, Art. 8.
25 f. Ex. 68, Art. 42.
g. Ex. 68, Arts. 69, 70, 71.
h. T. 36107.)

1 personal convictions because he felt it more important
2 that he or the cabinet continue in office, he is
3 legally just as responsible and morally more respon-
4 sible than an all-out proponent of the aggressive
5 policy, since he deliberately chose to approve the
6 policy with full cognizance and conviction of its
7 evil.

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K-14. With reference to the responsibility
1 of a cabinet minister as head of a ministry, the Im-
2 perial Ordinance Relating to General Rules Concerning
3 the Organization of the Ministries specifically pro-
4 vided that each minister should "be responsible for the
5 affairs of which the principal competency belongs to
6 him."^{a.} With respect to matters within his competency
7 he had power to issue ministerial ordinances,^{b.} issue
8 directions and instructions and to supervise the police^c
9 and local authorities and to suspend their orders
10 and the power to control and supervise his subordinates.^{d.}
11 The prime minister, although he might not hold any
12 particular portfolio, by law stood at the head of the
13 ministers of state and coordinated the various branches
14 of administration.^{e.} He could suspend dispositions
15 and orders of the administration, could issue cabinet
16 ordinances and had the power to direct and supervise
17 the police and local officials and to suspend and
18 repeal their orders.^{f.} Thus, under the law of Japan,
19 ultimate responsibility for the acts of the various
20 executive branches rested on the prime minister and the
21 ministers in charge of the respective ministries.
22

- 23 (K-14. a. Ex. 73, Art. 2
24 b. Ex. 73, Art. 4
25 c. Ex. 73, Arts. 5,6
d. Ex. 73, Art. 7
e. Ex. 70, Art. 2
f. Ex. 70, Arts. 3,4)

K-15. Although the cabinet was a powerful
1 policy-making body, it was not the only policy-making
2 body in Japan. The Supreme Command of the army and
3 navy played a large role in the formulation of Japan-
4 ese aggressive policy. This was due to the fact that
5 the chiefs of staff of the army and navy, contrary to
6 the practice in all other countries, were not subor-
7 dinates of the ministers of war and navy, but were in
8 theory independent of and co-equal to those ministers.
9 In fact, they might well be said to have been the
10 superior of those ministers. This singular situation
11 was the result of the Japanese Constitution dividing
12 the imperial prerogative over military affairs into
13 military administration and the Supreme Command in
14 charge of operations.^{a.} In accordance with this dis-
15 tinction the chiefs of staff of both services were
16 placed under the direct command of the Emperor to take
17 charge of the formulation of policies of national de-
18 fense and strategy and the use of armed forces.^{b.} In
19 the Ordinance of Imperial General Headquarters of 1937
20 the chiefs of staff were stated to have the duty to
21 take part in important affairs of the High Command, to
22 make plans of operation and to arrange for cooperation
23
24 (K-15. a. Ex. 68, Arts. 11,12
25 b. Ex. 78, Art. 2
Ex. 79, Arts. 2,3)

c. and united action of the army and navy. Even before
1 this last ordinance was enacted in 1937, the Supreme
2 Command participated in highest momentous affairs. The
3 evidence fully considered heretofore shows clearly
4 that at a few times the Supreme Command exercised the
5 right to participate in formulating policy on matters
6 relating to declarations of war, foreign relations,
7 treaty negotiation and ratification and many external
8 matters because of their relation, actual or supposed,
9 to the subject of national defense. In fact, in the
10 field of foreign relations it had authority to plan
11 an independent role through the military and naval
12 attaches in the various embassies abroad who were
13 under the direct control of the chiefs of staff.^{d.} With
14 the Supreme Command independent of the government in
15 its own sphere and entitled to participate in all im-
16 portant policy decisions along with the government, the
17 Supreme Command became so strong that, as stated by
18 TOJO, who was one of the strongest men in the Japanese
19 Government and who held at one time the post of chief
20 of staff of the army, Japan had no political organ
21 which could restrain the High Command from plunging
22 the nation into hostilities.^{e.} It should be noted

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24 (K-15. c. Ex. 80, Art. 2
25 d. Ex. 79, Art. 10
e. Ex. 3655, T. 36479)

1 that while there was no organ of control, the government
2 did have power to control expenditures. However, the
3 government never made any effort to withhold the funds
4 demanded by the Supreme Command and no one in the gov-
5 ernment ever proposed to do so. Since the Supreme
6 Command could not have gone forward unless the govern-
7 ment supplied the funds, this fact should be borne in
8 mind in connection with the attempts of these defend-
9 ants to shift all responsibility to certain members of
10 the Supreme Command now deceased. The strength and
11 responsibility of the Supreme Command in no way alters
12 the basic responsibility of the cabinet for the formu-
13 lation of national policy.

14 K-16. Although within its own sphere the
15 Supreme Command could not be interfered with by the
16 cabinet, the Supreme Command, in addition to its par-
17 ticipation in the formulation of national policy, ef-
18 fectively controlled the cabinet. While with respect
19 to matters within its own realm the Supreme Command was
20 independent of the cabinet, the converse of the state-
21 ment is not true. The cabinet was not within its
22 own realm independent of the Supreme Command. This
23 was due to the position of the war and navy ministers.
24 These ministers were at the same time both members of
25 the government and of the Supreme Command. While this

1 last statement may be considered as violating one of
2 the fundamental tenets of Japanese constitutional
3 theory as it has been taught, it, nevertheless, rep-
4 resents the state of fact that actually existed.
5 Throughout the period of the Indictment, both the war
6 and navy ministers were always generals and lieutenant-
7 generals and admirals and vice-admirals on active duty.
8 From 1936, it was required by law that only such
9 officers on active duty could hold those offices.^{a.}
10 Being officers on active duty, these ministers were
11 in the army and navy, were part of them and were sub-
12 ject to the orders of their superiors. Furthermore,
13 TOJO admitted that while he was war minister, a member
14 of the government, he was also a participant in Imperial
15 General Headquarters with the duty of looking after
16 matters of military administration as well as military
17 personnel in connection with operational matters, which
18 he stated was a Supreme Command responsibility.^{b.} More-
19 over, while a theoretical distinction may be made be-
20 tween military administration and operations, it is
21 futile to try to make a real distinction. It is trying
22 to separate the inseparable. Both are parts of one
23 organic whole and they cannot be separated. They are
24 mutually interdependent, if not inextricably interlocked.
25

(K-16. a. Ex. 93
b. T. 36819-20)

1 The result was that the Supreme Command of each service
2 had within the cabinet a representative whom it could
3 control, and through whom, because of the requirement
4 of unanimity, it could in turn control the cabinet.

5 K-17. The Supreme Command could go further
6 and determine whether a new cabinet would be allowed to
7 be created and whether the existing cabinet would be
8 permitted to continue. The power of naming a war
9 minister or navy minister lay with the Supreme Com-
10 mand. The war minister was chosen by the three chiefs
11 of the army -- the outgoing war minister, the chief of
12 staff and the inspector-general of military education.^{a.}
13 In the navy, the selection was made by a similar group.
14 While the actual appointment was thereafter made by
15 the premier, the real selection was by these groups
16 in the army and navy. There is no instance of any
17 premier failing to appoint the person designated as
18 war or navy minister by the respective branches. He
19 could not select the person he desired. On the contrary,
20 the evidence shows several instances where cabinets
21 fell and one instance where a cabinet could not be
22 formed because of failure of the chiefs of the army
23 to provide a war minister. The defendants contend that
24 the three chiefs never failed to designate a new war
25 (K-17. a. Ex. 3198, T. 28919)

1 minister but that the candidates named refused to
2 serve. It is indeed remarkable that the only time a
3 candidate could not be found to accept the post was
4 the time when the army was dissatisfied with the in-
5 cumbent cabinet or the premier-designate. Subordinate
6 officers could hardly be expected to serve in a cabinet
7 regarded as unsatisfactory by their superiors. The
8 Supreme Command had the power to bring about the fall
9 of an unwanted cabinet and to prevent the formation
10 of a new one undesirable to them. The Supreme Command,
11 both through its participation in the formulation of
12 national policy and through its control over the cab-
13 inet, had ultimate responsibility for the policy decided.

14 K-18. Since both the cabinet and the Supreme
15 Command had overlapping authority with respect to the
16 determination of national policy, to coordinate the
17 functions of the two groups the Liaison Conference and
18 the Imperial Conference were used for that purpose.
19 The Liaison Conference was usually made up of the of-
20 ficials of the cabinet, having the chief responsibility,
21 both ultimate and intermediate, for the formulation of
22 policy, and members of the Supreme Command. The accused
23 maintain that this body had no power to decide anything,
24 but that its decisions had to be implemented by sub-
25 sequent action of the cabinet and the Supreme Command.

1 This is of course an immaterial matter, for there is no
2 evidence that any final decision of either the Liaison
3 Conference or the more formal Imperial Conference was
4 not carried out by either the cabinet or the Supreme
5 Command within their respective spheres. The decisions
6 invariably became the national policy of Japan. This
7 was the sole purpose of the conferences.

8 K-19. The third group upon whom ultimate
9 responsibility for the formulation of policy was re-
10 posed by the law of Japan was the Privy Council. This
11 body, whose functions are recognized in the constitu-
12 tion,^{a.} had the power to deliberate and pass on matters
13 under its jurisdiction according to the constitution,
14 ordinances especially referred to it, drafts of laws
15 and doubtful points relating to the constitution, laws
16 and Imperial ordinances supplementary thereto, Imperial
17 ordinances under Articles 8 and 70, the conclusion of
18 international treaties, the proclamation of martial
19 law, important Imperial ordinances concerning educa-
20 tion, those concerning the organization of various
21 branches of administration and all other matters spec-
22 ifically referred to the Council.^{b.} It is apparent
23 that all important legislation had to receive the
24 sanction of the Privy Council before it could become
25

(K-19. a. Ex. 68, Art. 46
b. Ex. 63, Art. 6)

1 effective. Likewise, it was the ratifying body for
2 all treaties. Without its consent neither the laws
3 or ordinances which it was required to pass upon nor
4 treaties could become effective. By reason of these
5 facts ultimate responsibility also rested on the mem-
6 bers of the Privy Council for matters within their
7 sphere which led to the formulation of Japan's aggres-
8 sive policy.

9 K-20. To complete the picture of the advisors
10 to the Emperor on whom ultimate duty or responsibility
11 rested, mention should be made of the Lord Keeper of
12 the Privy Seal. That official was charged with the
13 duty of regularly assisting the Emperor.^{a.} His duty
14 was to assist and advise the Emperor at all times,
15 either at the instance of the Emperor or on his own
16 initiative.^{b.} Being entrusted with the power to advise,
17 he would, of course, have the responsibility for the
18 advice that he gave. In his defense, the defendant
19 KIDO stated that it was the opinion of an authority
20 on the constitution whom he consulted, that from the
21 point of view of the constitution the Lord Keeper was
22 not held responsible to give counsel to the Emperor on
23 state affairs.^{c.} This may well be true, since so far as
24

25 (K-20. a. Ex. 95, Art. 2
b. T. 35798-9; Ex. 3655, T. 36380
c. Ex. 3340, T. 30761)

1 the constitution is concerned neither the office of
2 Lord Keeper nor its function is mentioned. The office
3 of the Lord Keeper stemmed from the Imperial ordinance
4 on the organization of his office. It should be noted
5 that the expert limited the irresponsibility of the
6 Lord Keeper solely from the point of view of the consti-
7 tution. In the absence of any evidence that the Lord
8 Keeper did not have responsibility under the ordinance
9 regulating his office for the advice he gave, the
10 ordinary presumption prevails that responsibility for
11 an act follows the power and the duty to do that act.
12 Moreover, even if the Lord Keeper could be said to be
13 irresponsible under the law of Japan, this would not
14 alter his liability internationally for his advice or
15 for his failure to advise, but would only be a shifting
16 of his responsibility from one imposed by law to
17 responsibility in fact.

18 K-21. From 1940 on, the Lord Keeper of the
19 Privy Seal held the additional duty of recommending
20 to the Emperor the new premier at the time of the forma-
21 tion of a new cabinet. Previous thereto, this recom-
22 mendation had been made by the Genro, but as the last
23 of them was about to die, the power and duty to recom-
24 mend passed to the Lord Keeper.^{a.} The power of the
25 (K-21. a. Ex. 3655, T. 36379-80)

1 Genro and later of the Lord Keeper to perform this
2 function did not emanate from the Constitution or
3 from any written law or ordinance. However, the prac-
4 tice was so long followed that it may be safely con-
5 sidered to have become part of the customary law of
6 Japan. The recommendation made was always followed,
7 and it is at least intimated, if not openly stated by
8 the defendant TOJO, that from the Japanese point of
9 view it had to be followed. ^{b.} In fact, the Lord Keeper
10 had the actual power to name the premier. The respon-
11 sibility for the exercise of that power rested upon
12 him.

13 K-22. Bearing these considerations in mind,
14 we pass to a consideration of the individual liability
15 of the defendants for the charges against them.

16 THE PRESIDENT: We will recess for fifteen
17 minutes.

18 (Whereupon, at 1045, a recess was
19 taken until 1100, after which the proceedings
20 were resumed as follows:)
21
22
23
24

25 (K-21. b. Ex. 3655, T. 36379-80)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Horwitz.

4 MR. HORWITZ: May it please the Tribunal,
5 prior to beginning the individual summations, the
6 prosecution desires to call to the attention of the
7 Tribunal that due to the problems involved in transla-
8 tion and reproduction in preparing the summation for
9 presentation to the Tribunal immediately upon the close
10 of all the evidence, it was impossible to include in
11 the general summation the evidence offered in rebuttal
12 and surrebuttal. However, this evidence has been
13 included and will be considered in the various indi-
14 vidual summations.

15 It is respectfully requested that in connection
16 with the reading of the individual summations the
17 court permit that the introductory paragraphs showing
18 what counts each accused is charged with and the con-
19 cluding paragraphs which point out the evidence
20 attributable to each count, by reference to paragraph
21 numbers, be not read. It is requested that such
22 items be entered in the transcript as though they had
23 been read.
24

25 THE PRESIDENT: That will be done.

MR. HORWITZ: Mr. Brown will continue with

the individual summation of the defendant ARAKI.

1 THE PRESIDENT: Mr. Brown.

2 MR. BROWN: (Reading)

3 ARAKI.

4 AA-1. He is charged under counts 1-17, 18,
5 19, 23, 25, 26, 27-32, 33, 34, 35, 36, 44, 45, 46, 47,
6 51, 52.

7 Introduction.

8 AA-2. It is impossible to say exactly when
9 ARAKI became a party to this conspiracy but, if he
10 was not one already, he entered the conspiracy at least
11 in December 1931 when he became Minister of War. For
12 the five months before this appointment he had been
13 Chief of the General Affairs Department of the
14 Inspectorate General of Military Training and President
15 of the Permanent Examination Committee for Army Officer
16 Students, so that he held both these senior positions
17 at the beginning of the invasion of Manchuria. He
18 must, therefore, have clearly understood what the
19 Japanese forces were doing in Manchuria and, by accept-
20 ing the post of Minister of War whilst the invasion
21 was in progress, accepted at the same time responsi-
22 bility for the invasion. Moreover not merely did he,
23 by accepting this position, accept responsibility for
24 the military policy which was already being pursued
25

1 but by ordering further acts of aggression showed how
2 fully he participated in the whole conspiracy.

3 I. Activities Before Appointment as War
4 Minister, December 1931.

5 AA-3. ARAKI who was then a lieutenant general,
6 became President of the Army Staff College on 10 Aug-
7 ust 1928; Commander of the 6th Division on 1 August
8 1929; and both Chief of the General Affairs Department
9 of the Inspectorate General of Military Training and
10 President of the Permanent Examination Committee for
11 Army Officer Students (War Ministry) on 1 August 1931.
12 He became War Minister in the INUKAI Cabinet on
13 13 December 1931.
14 a.

15 AA-4. He was a director of the Kokuhonsha
16 (Foundation of the State) Society, founded in 1920.
17 This society was noted for its doctrine of fostering
18 nationalism, and when organized was in close contact
19 with military circles.
20 b. However, ARAKI testified that
21 it was an unimportant organization formed after an
22 attempt on the Emperor's life, to prevent recurrence
23 of such outrages.
24 c. HARADA on the other hand describes
25 him as an idolizer of HIRANUMA and a prominent figure
26 in the Kokuhonsha, which he terms an extreme rightist

27 (AA-3. a. Ex. 103, 102, T. 686.

28 AA-4. a. Ex. 164, T. 1636.

b. Ex. 164, T. 1636.

c. T. 28,333.

1 organization maneuvering in concert with the army in
 2 July 1931, thus making ARAKI an unsuitable person for
 3 the post of Chief Aide-de-Camp to the Emperor.^{d.}

4 AA-5. Although ARAKI, in his affidavit,
 5 professed ignorance of the outbreak of the Manchurian
 6 Incident, except from newspaper reports,^{a.} his position
 7 was of sufficient importance for the instigators of the
 8 October 1931 plot to intend him to be Premier in their
 9 proposed new government.^{b.} This plot aimed at the over-
 10 throw of the WAKATSUGI Cabinet and the establishment of
 11 a new administration which would support the Manchurian
 12 Incident.^{c.} HASHIMOTO revealed this plan to ARAKI who
 13 in turn told it to MINAMI, and the latter ordered the
 14 military police to arrest the conspirators.^{d.}

15 II. Activities as War Minister in Relation
 16 to Manchurian Incident.

17 AA-6. Despite the fact that ARAKI, by this
 18 time, must have been aware of the internal agitation for
 19 extension of the Manchurian Incident, he consented on
 20 13 December 1931 to take over the post of War Minister
 21 in the newly-formed INUKAI Cabinet. Circumstances sur-
 22 rounding his appointment were different from the usual

23 (AA-4. d. Ex. 3754A, T. 37,560; Ex. 3754B, T. 37,567.

24 AA-5. a. Ex. 3161, T. 28,125.

25 b. Ex. 2424, T. 19,667.

c. T. 2013.

d. Ex. 2424, T. 19,667.)

1 procedure of the three army chiefs selecting the new
 2 War Minister and recommending him to the Premier for
 3 concurrence and appointment. In ARAKI's case the
 4 younger officers were anxious to have him appointed,
 5 because of his understanding of their point of view;
 6 hence, when he was suggested to INUKAI, the latter
 7 agreed as there would be no gulf between him and the
 8 younger officers.^{a.} ARAKI himself categorically denied
 9 this statement, stating that his appointment was made
 10 in the customary manner.^{b.}

11 AA-7. ARAKI, as War Minister, was unable to
 12 control the young officers who were the motivating
 13 force behind the China Incident but he did attempt to
 14 control the incident;^{a.} nevertheless when INUKAI des-
 15 patched an emissary to Chiang Kai-shek in December
 16 1931, he kept this move secret from ARAKI.^{b.}

17 AA-8. INUKAI was opposed to the Manchurian
 18 Incident and attempted to halt it. He also adopted
 19 the policy of reducing the army budget, which act was
 20 violently opposed by ARAKI.^{a.} ARAKI himself stated
 21 that, in 1932 and 1933, he conceded a portion of the
 22 army budget to the navy to avoid any army-navy friction,
 23

24 (AA-6. a. T. 1551.
 25 b. Ex. 3161, T. 28,127.
 AA-7. a. T. 1489, 1541.
 b. T. 1487, 1547.
 AA-8. a. T. 1481.)

and that the budgets for these years, excluding the Manchurian Incident, were virtually no more than the preceding years. In November 1932 ARAKI told HARADA that more than doubling the budget was reasonable.

AA-9. Towards the end of December 1931, after receiving information from Harbin that Hsi Hsia would establish lines east of Harbin and resist, the Kirin Army attacked towards Harbin. Reinforcements were asked for and sent to the Harbin area in January, 1932 with the knowledge of the Tokyo authorities. Troops were also sent to Chinchow at the end of December, 1931, to relieve Japanese nationals. They liberated the city without bloodshed. The Lytton Report states that the city was evacuated by the Chinese because of a concentrated attack by the Japanese who took the town after encountering little or no resistance and then proceeded to sweep right up to the Great Wall.

MINAMI stated that the occupation of Chinchow took place while he was absent in Manchuria. On his return he complained to ARAKI that this act was contrary to policies decided during his administration, but ARAKI

(AA-8. b. Ex. 3161, T. 28,193.
c. Ex. 3767A, T. 37,616.
AA-9. a. T. 18,993.
b. T. 18,993.
c. Ex. 3161, T. 28,134.
d. Ex. 57, T. 2257.

e.
took no notice.

1 AA-10. ARAKI denies having made a plan for
2 the occupation of the four provinces and states that
3 the allegation that he did so is due to the interpreta-
4 tion of an incompetent interpreter, which was completely
5 different from the fact.^{a.} Though his language is not
6 free from ambiguity he appears to admit that exhibit
7 188-C^{b.} is accurate^{c.} although this includes, in con-
8 nection with the four provinces, the word "occupy"^{d.}
9 to which he apparently objects.^{e.} Even if, however,
10 he did, in fact, use the phrase "restore law and order
11 in" instead of the word "occupy" it is submitted that
12 this is a distinction without any real difference, as
13 it is difficult to see how if, as he appears to admit,
14 the cabinet ordered the army to restore law and order
15 in the four provinces, the army could do so without
16 occupying them.

18 AA-11. On 30 January 1932, ARAKI attended a
19 Privy Council meeting and answered questions regarding
20 the army's actions in Manchuria. He stated that the
21 Kwantung Army commander-in-chief's declaration that
22 Manchuria was to be a land of bounty was made as a

23 (AA-9. c. T. 19,921-3.

24 AA-10. a. Ex. 3161, T. 28,131.

25 b. T. 2219.

 c. T. 28,302.

 d. T. 2221.

 e. T. 22,217.)

1 means of calming the population, and was not a defini-
 2 tion of the army's objectives. He blamed General Hsuen
 3 Liang for the Manchurian Incident and, in referring
 4 to rumors that the army was out of hand, remarked that
 5 in order to attain their objectives, and maintain the
 6 prestige of the Imperial Forces, they were obliged to
 7 take the initiative.
 a.

8 III. Moves Towards Manchukuoan Independence.

9 AA-12. Around December 1931, the General
 10 Staff and War Ministry were against Manchukuo becoming
 11 independent, but in January 1932, due to personnel
 12 shifts, this opinion changed and the great majority
 13 of the army advocated that Manchukuo become a separate
 14 state.
 a.

15 AA-13. In January 1932, ITAGAKI visited Tokyo
 16 to confer with the central authorities and to explain
 17 HONJO's determination to form an independent Manchuria
 18 because Manchuria was said to desire, and to be agi-
 19 tating for, it.
 a. The Lytton Report states "It is clear
 20 that the Independence Movement, which has never been
 21 heard of in Manchuria before September 1931, was only
 22 made possible by the presence of Japanese troops."
 b.

23 (AA-11. a. Ex. 3174, T. 28,579.

24 AA-12. a. T. 1548.

25 AA-13. a. T. 18,998.

b. Ex. 57, T. 2297.)

1 On his return, ITAGAKI reported that the War Ministry
2 and General Staff understood the situation but that
3 ARAKI and other military authorities did not intend to
4 establish a separate state.^{c.}

5 AA-14. Despite this apparent intention of
6 ARAKI's, he admitted in his interrogation^{a.} that he
7 attended a cabinet meeting in February or March 1932,
8 where the appointment of an administration committee
9 to set up Manchukuo as an independent state was dis-
10 cussed. The Kwantung Army submitted the request
11 to ARAKI, who, although he could have refused, trans-
12 mitted it to the Premier.^{b.} Despite these discussions,
13 Japan on 16 January 1932 issued a statement promising
14 always to maintain the open-door policy in Manchuria
15 and stating she had no territorial ambitions there.^{c.}

16 AA-15. ARAKI stated that he had several inter-
17 views with Premier INUKAI to discuss the Manchurian
18 problems and that there was never any friction of
19 opinions between them. He added that he always dealt
20 with the matters in accordance with the fixed policies
21 of the government and, whenever a new problem arose,
22 fully discussed it with the Premier and followed his
23

24 (AA-13. c. T. 19,001.

25 AA-14. a. Ex. 187, T. 2784.

b. T. 2784.

c. Ex. 931, T. 9368.)

1 decision about it.^{a.} In fact at more than one cabinet
 2 meeting ARAKI was attacked for army interference in
 3 politics by the then Finance Minister TAKAHASHI, whom
 4 ARAKI says he always respected very highly^{b.} and whom
 5 he once described as a splendid man.^{c.} At a cabinet
 6 meeting on about January 13, 1933 TAKAHASHI told ARAKI
 7 that there was no such thing as public opinion in Japan,
 8 as the Kempei threatened anyone who criticized the army
 9 and when a new paper criticized the army, sent an air-
 10 plane to circle round the newspaper plant and threatened
 11 to bomb it. He added that they were shadowing states-
 12 men as though they were all spies.^{d.} Again at a cabinet
 13 meeting on February 1, 1933, there was criticism that
 14 the army had taken over the determination of Japanese
 15 foreign policies and that the newspapers were too hasty
 16 in advocating withdrawal from the League of Nations.
 17 TAKAHASHI attacked the army savagely for allowing the
 18 newspapers to say such things when the army could so
 19 easily stop them. ARAKI appeared to be at a loss for a
 20 reply.^{e.}

22 IV. Establishment of Manchukuo Independence
 23 and Subsequent Economic and Military Moves.

24 (AA-15. a. Ex. 3161, T. 28,149.

25 b. T. 28,345.

c. Ex. 3767-A, T. 37,616.

d. Ex. 3769-A, T. 37,632.

e. Ex. 3770-A, T. 37,633.)

1 AA-16. On 18 February 1932 the Independence
2 of Manchuria was declared. On 1 March 1932, ARAKI was
3 a member of the cabinet which discussed foreign rela-
4 tions with Manchukuo. Their main consideration was
5 that control of the customs should be obtained by
6 tactful means, so as to avoid unfavorably affecting
7 Japan's foreign relations.^{a.}

8 AA-17. Less than a fortnight later the cabinet
9 decided that, if the independence of Manchukuo was
10 regarded as a violation of the Nine-Power Pact, then,
11 at least on the surface, recognition should be post-
12 poned for the time being.^{a.} It was further decided
13 that, if Chang Hsueh-Liang acted as an insurgent against
14 it, the Japanese army must repel the attack.^{b.}

24 AA-16. a. Ex. 222, T. 2817.

25 AA-17. a. T. 28356.

b. Ex. 3762, T. 37599.

1 AA-18. ARAKI contended that the Kwantung
 2 Army was to watch the development of Manchuria and not
 3 to interfere with it.^{a.} But when its Commander-in-Chief
 4 suggested to him that the policy for the whole of
 5 Manchuria including Chientse be left mainly to the
 6 Kwantung Army, ARAKI replied agreeing to this in
 7 principle.^{b.}

8 AA-19. Again ARAKI insisted that the govern-
 9 ment policy toward Manchuria was one of live and let
 10 live,^{a.} while even so he was a member of the cabinet,
 11 which, on 11 April 1932, established Japan and Man-
 12 chukuo as a single economic unit and made Japanese
 13 nationals the highest advisers as regards its economic
 14 and general political problems.^{b.} On 15 May 1932
 15 Premier INUKAI was murdered by a group of young offi-
 16 cers after having had considerable disagreement with
 17 the military.^{c.} His government was replaced by the
 18 SAITO Cabinet, with ARAKI still holding the position
 19 of War Minister.^{d.} The change in cabinets resulted in
 20 a change to a more positive policy toward Manchuria
 21 which included the cabinet recognition of Manchukuo.^{e.}

23 AA-20. During the early months of the SAITO

24 AA-18. a. Ex. 3161; T. 28147. b. Ex. 226, T. 2834.
 25 AA-19. a. Ex. 3161, T. 28146. b. Ex. 223, T. 2825.
 c. T. 1481; d. Ex. 103, T. 686; e. T. 19027.

1 Cabinet, the policy of encroachment on Manchurian
2 affairs continued. On 4 June 1932, the Chief of
3 Staff of the Kwantung Army cabled Vice War Minister
4 KOISO that he was taking over the customs houses in
5 Manchuria, including that of Dairen, in order to
6 acquire revenue. ^{a.} On 12 August 1932, the Cabinet
7 decided to establish aviation rights in Manchuria,
8 finally coming out into the open with their demands,
9 after having previously conducted a military air
10 service under pretext of military communication. ^{b.}

11 AA-21. Gradually, the time grew ripe for
12 Japan's recognition of the new state of Manchukuo,
13 and although ARAKI contended that the question of
14 Manchukuoan recognition was under the charge of the
15 Foreign Office and a diplomatic matter in which the
16 army did not take any steps, ^{a.} he instructed the
17 Commander-in-Chief of the Kwantung Army, on 10 June
18 1932, to exercise great caution in his activities in
19 this regard because of growing apprehension at home
20 and abroad. ^{b.} Nevertheless, paving the way for this
21 move, ARAKI made a statement in June, 1932, that the
22 resolution of the League of Nations, and Japan's
23 statements regarding Manchuria before Manchukuo was
24 AA-20. a. Ex. 227, T. 2837; b. Ex. 225, T. 2829.
25 AA-21. a. Ex. 3161, T. 28150; b. Ex. 228, T. 2846.

set up, were not binding upon Japan. Also, HARADA
1 stated that, in August 1932, ARAKI appeared completely
2 disinterested in a Chinese proposal for direct nego-
3 tiations with Japan about Manchuria and that Prince
4 KONOYE was greatly surprised by this and by ARAKI's
5 being apparently in favor of creating a situation
6 where Japan would be isolated and have to wage war
7 against the world. c.

9 AA-22. The cabinet held a meeting attended
10 by the Emperor on 13 September 1932 to discuss the
11 recognition of Manchukuo by the Japanese Government, a.
12 and on the same day ARAKI attended a Privy Council
13 meeting on the subject of the signing of the Protocol
14 between Japan and Manchukuo. At the latter ARAKI
15 stated in answer to a question, that so far no budget
16 had been provided for Manchukuo, but that the Japanese
17 War Ministry had a program according to which Manchukuo
18 would be able to defray a part of its expenses after
19 1933. In five years she would be in a position to
20 defray the necessary expenditures, but now the national
21 defense of Manchukuo was that of Japan. b.
22 ARAKI in
23 his interrogation admitted his agreement with the
24 Foreign Minister concerning Manchurian independence

25 AA-21. c. Ex. 1104, T. 10084; d. Ex. 3765A, T. 37610.
AA-22. a. T. 1891; b. Ex. 241, T. 2972. -

and admitted attending a meeting where the decision
to recognize Manchukuo was made.^{c.}

AA-23. ARAKI stated that Japan had no intention of violating international law,^{a.} and that the view of the international lawyers was that, under the circumstances, it would not be illegal for even a party to the Nine Power Pact to grant recognition.^{b.}

Japan on 15 September 1932, recognized the independence of the new state of Manchukuo,^{c.} and the Protocol of Alliance between Japan and Manchukuo was issued.^{d.}

AA-24. ARAKI maintained that, after the recognition of Manchukuo, the Kwantung Army's duties became that of an adviser, and that they made it a rule to confer with the Manchukuo authorities before they took any action in connection with national defense or the maintenance of peace and order.^{a.}

However, on 3 November 1932, the Chief of Staff of the Kwantung Army, KOISO, sent to Vice War Minister YANAGAWA an outline for guiding Manchukuo. In this outline he said "The Manchukuoan officials shall outwardly assume charge of the administration as much as possible while Japanese officials must satisfy themselves by

AA-22. a. Ex. 229, T. 2899.

AA-23. a. Ex. 3161, T. 28151. c. Ex. 934, T. 9387.

b. T. 28357. d. Ex. 440, T. 5033.

AA-24. a. Ex. 3161, T. 28151.

controlling the substance." He went on to suggest various measures whereby Japan would, by occupying key positions, gain complete control over Manchukuo. ^{b.}

AA-25. In order to obtain the revenue, which Manchukuo badly needed, the contract of underwriting the subscription of the Manchukuo Government National Founding Bonds was drawn up. ^{a.} This demonstrates that the advice of the Chief of Staff to the Vice War Minister of 4 June 1932 was followed. ^{b.}

AA-26. Japan's hold on Manchukuo steadily increased. Opposition was not tolerated, as can be seen from a report in the Chicago Daily Tribune for 23 November 1932, giving details of a Chinese charge that Japan was responsible for the killing of 2,700 people in Manchuria. ^{a.} ARAKI referred to this as a local skirmish with bandits which had been exaggerated for purposes of propaganda. ^{b.}

AA-27. The Cabinet, of which ARAKI was a member, on 9 December 1932 decided to make the telegram and telephone system in Manchuria a joint Japanese-Manchukuoan enterprise, with the proviso that the highest military organs in Manchuria must obtain approval of the highest Japanese military organs when

AA-24. b. Ex. 230, T. 2902.

AA-25. a. Ex. 375, T. 4683; b. Ex. 227, T. 2844.

AA-26. a. Ex. 610A, 611A, T. 6698; b. Ex. 3161, T. 28199.

intending to inspect or to make demands.^{a.}

1 AA-28. ARAKI was War Minister at the time
2 that the "Economic Construction Program of Manchukuo"
3 was agreed on 1 March 1933.^{a.}

4 AA-29. On 8 August 1933, the Cabinet decided
5 that the Japanese Empire's fundamental policy towards
6 Manchuria should be based on the spirit of the
7 Japanese-Manchurian protocol and to develop Manchuria
8 as an independent nation having indivisible relations
9 with Japan. Despite this so-called independence,
10 Manchukuo was to receive positive guidance in all
11 important matters.^{a.} Although ARAKI was a member
12 of this cabinet and a party to this decision, he
13 stated in his affidavit that Japan had no intention
14 of "making Manchukuo her cat's paw."^{b.} In December
15 1933 the army and navy published a threatening state-
16 ment denouncing those who sought to separate the
17 public mind from the military.^{c.} This may be con-
18 trasted with ARAKI's statement that the question of
19 the recognition of Manchukuo was a diplomatic matter
20 in which the army did not take any steps.^{d.}

21 AA-30. The monarchy in Manchukuo was finally
22 established on 1 March 1934,^{a.} yet preparations for

23 AA-28. a. Ex. 442, T. 5038.

24 AA-29. a. Ex. 233, T. 2927. c. Ex. 3775-B, T. 37652.

b. Ex. 3161, T. 28151. d. Ex. 3161, T. 28150.

25 AA-30. a. T. 2938.

1 Pu-Yi's appointment had been effected as far back
 2 as 22 December 1933, when the Cabinet decided on
 3 preparations for enforcing a monarchy in Manchuria. ^{b.}

4 ARAKI maintained that this appointment was in keeping
 5 with Pu-Yi's wish, as personally expressed by him, and
 6 that there was no intention of Pu-Yi being the tool
 7 of the Japanese Government. ^{c.} Pu-Yi in his testimony

8 refuted this argument entirely, stating continuously
 9 that his appointment and activities were entirely
 10 ruled by Japan. ^{d.} On 22 October 1937, when ARAKI was
 11 a cabinet councillor, the Cabinet decided on a program
 12 of heavy industry in Manchukuo. This aimed at the
 13 extension, advance and development of heavy indus-
 14 tries in Manchukuo, in order to contribute to the
 15 future development of Japanese and Manchurian economy. ^{e.}

16 AA-31. On 5 November 1937, the treaty be-
 17 tween Japan and Manchukuo concerning the abolition of
 18 extraterritoriality and the transfer of Administrative
 19 Rights over the Southern Railway was signed. ^{a.}

20 AA-30. b. Ex. 234, T. 2933. c. T. 3948-4351.
 21 c. Ex. 3161, T. 28153. e. Ex. 239, T. 2960.
 22 AA-31. a. Ex. 2476-A, B, C, D., T. 20473.

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1 AA-32. Japan continued these preparations
2 and activities despite such declarations as MATSUOKA's
3 statement on 21 November 1932,^{a.} "We want no more
4 territory" and the Japanese Ambassador's statement to
5 Stimson on 5 January 1933 that "Japan had no territorial
6 ambitions south of the Great Wall."^{b.} On this occa-
7 sion Stimson reminded the Ambassador that only a year
8 previously Japan had stated that she had no territorial
9 ambitions in Manchuria.

10 AA-33. ARAKI stated that Premier INUKAI
11 wished self-defense and non-expansion to be the funda-
12 mental policy to cope with the situation in Manchuria^{a.}
13 and that this became one of the basic policies of the
14 INUKAI Cabinet.^{b.} He also stated that the decision of
15 the government was to leave the question of independ-
16 ence alone to the Manchurian people and to make no
17 interference with it.^{c.} Against this may be set Premier
18 OKADA's statement, in September 1934, that the faction
19 of ARAKI, MASAKI and YANAGAWA was always in favor of
20 Manchurian annexation.^{d.}

21 V. Shanghai Incident

22 AA-34. ARAKI testified that the first Shang-
23 hai Incident occurred about the middle of January 1932

24 AA-32. a. Ex. 174, T. 1808 b. Ex. 3161, T. 28131
25 b. Ex. 966, T. 9483 c. Ex. 3161, T. 28146
AA-33 a. Ex. 3161, T. 28130 d. Ex. 3777-A, T. 37666

and said it was due both to an assault on Japanese
priests by Chinese and to a general tendency towards
anti-Japanese activities.^{a.} The Navy authorities asked
that army units should be sent to Shanghai to settle
the affair, and in the interests of protection of Jap-
anese nationals this was done.^{b.} Before the dispatch of
these troops, however, there was no investigation into
the actual cause or extent of the incident. ARAKI,
having sufficient faith in the Navy authorities, stated
he took their word for it, since such matters were in
their charge.^{c.}

AA-35. Although ARAKI denied the existence
of any pre-arranged plan for the occupation of Shanghai,^a
Powell stated that when he arrived in Shanghai at the
beginning of February 1932, many Japanese destroyers
were anchored in the Hwangpu River, Japanese bombers
were attacking Chapei airfield and materials were be-
ing unloaded.^{b.} In a description of the incident in
his interrogation, ARAKI stated that the Army was called
in to assist the Navy who were fighting a losing battle,
and that, after the Cabinet decision had been made,
the necessary troops were dispatched.^{c.}

AA-36. ARAKI described the care the Japanese

AA-34. a. Ex. 3161, T. 28135 AA-35. a. T. 28,335
b. Ex. 3161, T. 28,138 b. T. 3250
c. T. 28,342 c. Ex. 2221, T.15,844

forces took to localise the incident^{a.} and put in evi-
 1 dence speeches by UEDA^{b.} and SHIRAKAWA^{c.} depicting the
 2 reluctance with which Japan was forced to take up
 3 arms to settle the affair. But on 16 December 1932,
 4 he told HARADA that he had sent out a large force
 5 and decisively settled the matter in a short period of
 6 time.^{d.}

7 AA-37. Finally, after an agreement had been
 8 reached between the Chinese and Japanese, the latter
 9 withdrew, despite the fact that, according to ARAKI,
 10 this withdrawal only created contempt amongst the
 11 Chinese.^{a.} ARAKI, on 23 March 1932, explained this
 12 withdrawal to the 61st Diet Session, stating that it
 13 had been made in the interests of peace.^{b.}

14 VI. Occupation of Jehol

15 AA-38. When interrogated, ARAKI stated that
 16 the Cabinet's decision to occupy the four provinces
 17 was made on 17 December 1931, as the result of a plan
 18 drawn up by himself just after his appointment as War
 19 Minister.^{a.} He also gave details of certain Cabinet and
 20 Privy Council meetings where this was decided.

21 AA-39. The first move in this plan of expan-
 22 sion was made in July 1932, when the Japanese invaded

23 AA-36. a. Ex. 3161, T. 28,139-40 AA-37. a. Ex. 3161, T. 28141
 24 b. Ex. 3163A, T. 28,432 b. Ex. 3167, T. 28436
 25 c. Ex. 3163B, T. 28,434 AA-38. a. Ex. 187A-188A,
 d. Ex. 3768A, T. 37,618 T. 2216, 2217

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 d. Ex. 3768A, T. 37,618 T. 2216, 2217

1 Jehol, declaring that this province formed part of the
 2 /territory of Manchukuo.^{a.} This date was denied by
 3 ENDO^{b.} and also by ARAKI^{c.}, who maintained that hostili-
 4 ties did not begin until February 1933.

5 AA-40. Nevertheless, reinforcements were sent
 6 to Jehol before February, 1933, for the purpose of a
 7 grand-scale invasion.^{d.} This was requested by ENDO, who
 8 maintained that it was necessary to reinforce that area -
 9 even as far as Mukden - because of the activities of the
 10 bandits.^{b.}

11 AA-41. ARAKI stated that the Japanese cam-
 12 paign in Jehol was in fulfillment of the Japan-Manchukuo
 13 Protocol and that it was nothing but a domestic affair
 14 of Manchukuo's. He further stated that he emphasized
 15 to the General Staff the need for following the govern-
 16 ment's policy, so as not to adversely affect Soviet-
 17 Japanese relations and that they were told not to
 18 spread the war over North Manchuria or depart from the
 19 strict observance of the Japan-Manchukuo Protocol.^{a.}
 20 In contrast to this is the fact that, in December 1932,
 21 ARAKI was advocating sending a large force to Jehol and
 22 finishing the matter in the shortest possible time.

23 AA-39. a. Ex. 192A, T. 2268 AA-41. a. T. 28154
 24 b. T. 19511
 25 c. T. 28406
AA-40. a. Ex. 192A, T. 2268
 b. T. 19511

At this time he also said that no matter what Japan did
 1 it would not be spoken well of and that it was no use
 2 for her to try to be considered agreeable. ^{b.}

3 AA-42. The Cabinet decided, on February 13,
 4 1933, that the Jehol issue would be looked upon in all
 5 respects as involving bandits. ^{a.} ENDO, who gave evi-
 6 dence for ARAKI, stated that "bandits" under Tang Yu-lin,
 7 the Inspector General of Jehol Province, were disturb-
 8 ing peace and order in Manchukuo and resorting to meas-
 9 ures inimical to Japan and Manchukuo, which made their
 10 suppression necessary and that it was this which led
 11 to the occupation of Jehol by the Japanese Army. ^{b.} He
 12 admitted, however, that the Japanese described as band-
 13 its most of those who opposed them in Manchukuo or
 14 Jehol, though he denied that they necessarily called
 15 them all bandits. ^{c.} He further admitted that many of
 16 the people he described as bandits who joined Chang
 17 Tso-lin's army in Jehol were former members of this
 18 army who had become detached from it during the fight-
 19 ing in Manchuria and were trying to recapture their
 20 lost territory. ^{d.}

22 AA-43. When all preparations had been made
 23 Japan, on 23 February 1933, sent an ultimatum, in the
 24 name of puppet Manchukuo, stating that Jehol was not

25 AA-41. b. Ex. 3768-A, T. 37619 c. T. 19509

AA-42. a. Ex. 3771-A, T. 37635 d. T. 19516
 b. T. 19498

Chinese territory and that Chinese troops must leave
 it within 24 hours.^{a.} The Chinese refused this Japanese
 ultimatum and on 25 February 1933 hostilities began.^{b.}

AA-44. On May 31st, 1933, the Tangku Truce was
 signed between General Ho of the Kuomintang and OKAMURA
 of the Kwantung Army. This established a demilitarized
 zone in the northeastern part of Hopei and, under its
 terms, the Chinese withdrew south and west of this
 zone.^{a.}

VII. Japan's Attitude Towards and Withdrawal
 from the League of Nations.

AA-45. Throughout the Manchurian Incident
 the League of Nations had repeatedly objected to Japan-
 ese activities in Manchuria. For instance, on 24 Febru-
 ary 1933, the League condemned Japanese actions in
 Manchuria.^{a.} On 25 February it defined the principles,
 conditions and considerations applicable to the settle-
 ment of the dispute^{b.} and on the same day Stimson, then
 Secretary of State, endorsed the League's findings,
 stating the U. S. Government's general endorsement of
 the principles recommended, insofar as applicable under
 the treaties to which it was a party.^{c.}

AA-43. a. Ex. 192-A, T. 2269 b. Ex. 59, T. 513
 b. Ex. 192-A, T. 2269 c. Ex. 933, T. 9383
AA-44. a. Ex. 193, T. 2272
AA-45. a. Ex. 59, T. 502

AA-46. Again on 4 March 1933 the League

1 called for the cessation of hostilities between Japan
 2 and China^{a.} and on 11 March the League of Nations'
 3 Assembly passed a resolution calling for the non-recog-
 4 nition of conquests in violation of international law.^{b.}
 5 During this period the defendant ARAKI was War Minister,
 6 and, although these protests and condemnations by the
 7 League must have reached him, he stated that he had
 8 been told that Japan's action in Manchuria was within
 9 the limitation of action for self-defense under the non-
 10 aggression pact, and covered by the League's reserva-
 11 tion on 10 December 1931 which approved the right of
 12 subjugating bandit troops.^{c.}
 13

14 AA-47. ARAKI stated that Japan submitted in
 15 the "views of the Japanese Government" a complete ex-
 16 planation of her actions in Manchuria, in which it was
 17 explained that the independence of Manchukuo had been
 18 brought about by an internal split of a nation by her
 19 own people.^{a.}

20 AA-48. Thus relations between the League and
 21 Japan deteriorated until, on 17 March 1933, a Special
 22 Cabinet meeting was held, at which it was finally
 23 agreed that Japan should withdraw from the League.

24 AA-46. a. Ex. 55, T. 501, 502 AA-47. a. 3161, T. 28167
 25 b. Ex. 55, T. 501, 502
 c. Ex. 3161, T. 28165

1 ARAKI admitted in his interrogation ^{a.} that he attended
 2 this meeting and also the Privy Council meeting
 3 following it and in both cases agreed to the withdrawal, ^{b.}
 4 although MASAKI contended that ARAKI was opposed to it.
 5 and induced the meeting to the decision that Japan
 6 should not withdraw from the League. ^{c.} MASAKI did not
 7 attend this meeting personally, but heard a report of
 8 it from ARAKI. In fact, a month earlier, at a Cabinet
 9 meeting on 15 February 1933, ARAKI and Foreign Minister
 10 UCHIDA had, as soon as the Cabinet met, urged a reso-
 11 lution to withdraw from the League of Nations. ^{d.}

12 AA-49. ARAKI claimed that the question of
 13 the official recognition of the state of Manchukuo was
 14 a diplomatic matter, in which the army took no step,
 15 and that, except for questions of national defense and
 16 the maintenance of peace, he (ARAKI) left everything to
 17 the care of the Foreign Minister. ^{a.} He also stated
 18 that the Kwantung Army wished the new regime in Man-
 19 chukuo to base its administration on the people's will
 20 and that this army's attitude was that of watching
 21 Manchukuo's development but not interfering with it. ^{b.}

22 AA-50. On 27 March 1933, when ARAKI was
 23

24 AA-48. a. Ex. 2222, T. 15845 AA-49. a. Ex. 3161, T. 28150
 b. Ex. 3168, T. 28463 b. Ex. 3161, T. 28147
 c. T. 28470
 25 d. Ex. 3772-A, T. 37636

1 War Minister, Japan gave notice to leave the League of
 2 Nations.
 a.

3 AA-51. On 27 November 1937, while ARAKI was
 4 a Cabinet Councillor, the Japanese Government refused
 5 an invitation to attend the Brussels conference of
 6 signatories of the Nine-Power Treaty. This was justifi-
 7 fied on the ground that on October 6 the League of
 8 Nations had declared Japan's actions in China to be in
 9 violation of the Nine-Power Treaty, and even gone to the
 10 length of assuring China of its moral support. Thus,
 11 Japan considered, full and frank discussion would be
 12 impossible.
 a.

13 AA-52. In keeping with this policy of non-
 14 cooperation with the League, Japan, on 22 September
 15 1938, refused the League's invitation to attend a
 16 session.
 a. At this time ARAKI was Education Minister.
 17 In this capacity he attended the Privy Council Meeting,
 18 on 2 November 1938, at which it was finally decided to
 19 terminate relations between the Japanese Empire and the
 20 League of Nations.
 b.

21 VIII. ARAKI's Participation in the Opium
 22 Monopoly.

23 AA-50. a. Ex. 65, T. 503 b. Ex. 272, T. 3640
 24 AA-51. a. Ex. 954-B, T. 9446
 25 AA-52. a. Ex. 9720, T. 9511

1 AA-53. On 11 April 1933 the Cabinet, in which
2 ARAKI held the position of War Minister, decided that
3 the raw opium in the custody of the Government of
4 Korea was to be temporarily transferred to the Govern-
5 ment of Manchukuo.^{a.}

6 AA-54. The creation of the Manchurian Opium
7 Monopoly Administration was said to be for the purpose
8 of controlling and gradually diminishing the number of
9 opium addicts. For instance, registration of all
10 addicts was inaugurated and a system of selling only
11 to those s. registered was evolved, growth of poppies was
12 controlled and illicit sales forbidden.^{a.} However, the
13 real object of the administration was the establishment
14 of a central agency for narcotic growth and distribu-
15 tion, the revenue from which was immediately acquired
16 by the government.^{b.} In effect it provided no real
17 restrictions against opium smoking^{c.} but merely aided
18 in the control and use of narcotics. By an order of
19 the Manchurian Government dated 25 October 1933, nar-
20 cotic factories were established at Hsinking, Mukden,
21 Tsitsihar, Kirin and Chengteh.^{d.} These factories pro-
22 duced morphine, ester, morphine-ester and cocaine,
23 some of which was destined for export to Europe and the
24

25 AA-53. a. Ex. 387, T. 4709 c. Ex. 384, T. 4738
AA-54. a. Ex. 2462, T. 20314 d. Ex. 384, T. 4731
b. Ex. 384, T. 4731

e.
U. S. A.

1 AA-55. Whilst ARAKI was Education Minister
2 the Cabinet of which he was a member decided on Decem-
3 ber 23, 1938, that the amount of raw opium to be sup-
4 plied or transferred to the Government General of For-
5 mosa, the Kwantung leased territory, and the govern-
6 ment of Manchukuo and the acreage for poppy growing
7 necessary to produce the required quantities of opium
8 should be decided upon after consultation by the authori-
9 ties concerned. a. In December 1938 the Opium Committee
10 decided that the surplus stock of cocaine, accumulated
11 in Formosa since 1932, was to be used up within three
12 years by consumption in Formosa, by shipment to Japan
13 and other countries, and by supplying the proper de-
14 mands of Manchukuo and China. b.

16 AA-56. Reports on these narcotic activi-
17 ties were compiled by the U. S. Treasury Attaches in
18 the various districts. The following are examples of
19 such reports on the narcotic situation in Formosa and
20 China during ARAKI's tenure of office as Education
21 Minister: (1) On 12 and 14 January 1939, the U. S.
22 Treasury Attache at Shanghai forwarded reports on the
23 camouflaging of Japan's narcotization policy. a.
24

25 AA-54. e. Ex. 384, T. 4739 AA-56. a. Ex. 420, 422, T. 4870,
AA-55. a. Ex. 381, T. 4709 4873
b. Ex. 381, T. 4901

27 January 1939, the American Consul in Mukden wrote to the Secretary of State regarding the financial importance of opium and the narcotic traffic to the Government of Manchukuo.^{b.} (3) On 1 April 1939, the U. S. Treasury Attache at Shanghai reported that Japanese opium ships were traveling between Dairen and Shanghai and established that two ships carrying Persian opium from Dairen to Shanghai were Japanese.^{c.} (4) On 5 April 1939, the U. S. Treasury at Shanghai revealed the establishment of a General Opium Amelioration Bureau for the enforcement of an opium monopoly under the cover of opium amelioration work.^{d.} (5) On 14 April 1939, the U. S. Ambassador compiled an aide memoire on the "Narcotic Drug Traffic in Occupied Areas in China."^{e.} (6) On 21 July 1939, the U. S. Treasury Attache at Shanghai made a report on the distribution of narcotic drugs for medicinal and scientific purposes being granted a monopoly by the Japanese authorities.^{f.} (7) On 8 August 1939, the U. S. Treasury Attache at Shanghai reported on the Formosan cocaine factory, revealing its production and monopolistic nature.^{g.}

AA-56. b. Ex. 385, T. 4745
 c. Ex. 417, T. 4866
 d. Ex. 424, T. 4878
 e. Ex. 433, T. 4926
 f. Ex. 426, T. 4894
 g. Ex. 428, T. 4599

IX. ARAKI's Attitude Towards Union of Soviet Socialist Republics.

AA-57. ARAKI in his affidavit stated that, although he was not in agreement with communism, he had never felt the necessity of preparing for any positive military action against the U.S.S.R.^{a.} Nevertheless preparation for military action was made, as can be seen from Lieutenant Colonel KANDA's report, dated 16 July 1932, to KAWABE, Japanese Military Attache in Moscow, in which he stated that preparations for a war against Russia would be completed by the middle of 1934. He stated, however that hostilities would not be opened as soon as they were completed. A Russian war was referred to as inevitable to consolidate Manchuria.^{b.}

AA-58. KAWABE, the Japanese Military Attache in Moscow, on 14 July 1932, compiled a report in which he stated that, if diplomatic efforts do not avail, it is necessary to be ready to appeal to arms against the U.S.S.R., China and the United States. He also stated that a Russo-Japanese war in the future was unavoidable.^{a.}

AA-59. In November, 1932, ARAKI advocated to Prince KONOYE the following national policy: 1. The execution of an emergency policy for increasing the

(AA-57. a. Ex. 3161, T. 28173.
b. Ex. 702, T. 7512.
AA-58. a. Ex. 701, T. 7508.)

national strength for two years; 2. They should consider whether or not to attack Soviet Russia within those two years; 3. They should plan the perfection of military preparedness and national defense within these two years.^{a.} As an alternative to 3, ARAKI suggested a

peace conference of Japan, Manchukuo, China and Russia and an agreement not to spread communistic propaganda. ARAKI said that if neighboring countries were disturbed by Red Movements, Japan must attack and destroy them.^{b.}

AA-60. ARAKI denied both in direct examination^{a.} and cross-examination^{b.} that he was opposed to the

conclusion of a non-aggression pact with Russia, but stated that he thought that outstanding differences should be settled before a pact was concluded. Nevertheless, he was a member of the Government which, on 13 February 1933, declined the U.S.S.R. proposal for a non-aggression pact.^{c.} Moreover HARADA stated in

January, 1933, that the Army was opposed to a non-aggression treaty with Russia because they thought it might facilitate communist propaganda.^{d.}

AA-61. ARAKI in his affidavit contended that, as far as he knew, no positive plan of the responsible

(AA-59. a. Ex. 3766-A, T. 37614.

b. Ex. 3767-A, T. 37615.

AA-60, a. Ex. 3161, T. 28173.

b. Ex. 3161, T. 28395.

c. Ex. 746, 747, T. 7720, 7727.

d. Ex. 3769-A, T. 37630.

1 authorities against the Soviet existed. On the other
 2 hand in December, 1933, at a Cabinet meeting, TAKAHASHI,
 3 whom ARAKI says he always respected very highly, ^{b.} is
 4 reported to have blamed the army and navy for damaging
 5 Japan's foreign trade relations, with their propaganda
 6 about a crisis in 1935 and 1936 and war being imminent
 7 with Russia and the United States. He said there would
 8 be no crisis in 1935 and 1936. Thereupon ARAKI, turning
 9 pale with anger, replied, "That is not true. There will
 10 be a crisis. The military have no intention of starting
 11 a war today, but we must make preparations. It cannot
 12 be said that this is not a crisis." ^{c.}

13 AA-62. TAKEBE stated that at a meeting of the
 14 prefectural Governors in 1933, ARAKI made a speech ad-
 15 mitting that Japan had brought about the Manchurian
 16 Incident and established Manchukuo and that her interests
 17 were clashing with the League of Nations. According to
 18 TAKEBE, ARAKI also stated that Japan would inevitably
 19 clash with the U.S.S.R. and that it was therefore neces-
 20 sary for her to establish herself in the territories of
 21 the Maritime Province, Zabarkalye and Siberia. ^{a.} A
 22 plan "Otsu" -- preparations for attack on the U.S.S.R. --
 23 was drawn up by the Chief of the 1st Department in
 24

25 (AA-61. a. Ex. 3161, T. 28173.
 b. T. 28345.
 c. Ex. 3775-A, T. 37650.
 AA-62. a. Ex. 3371, T. 31836.)

General Staff Headquarters, approved by the Chief of Staff, and submitted for sanction by the Emperor in March, 1935,^{b.} during ARAKI's tenure of office as a Supreme War Councillor.

AA-63. In August, 1941, ARAKI stated to ISHIWATA that Japan's present ambition to dominate the continent might be said to have germinated in the Siberian Expedition and expressed his regret that the Japanese had failed to accomplish their plans in Siberia in 1922.^{a.} On October 5, 1932, the Vice-Chief of Staff, MASAKI, instructed KAWABE to take charge of the stratum^{b.} for a war with the U.S.S.R. and China. As a member of the first KONOYE and HIRANUMA Cabinets ARAKI shares their responsibility for Japanese actions in the Changkufeng and Nomonhan incidents.

X. ARAKI's Responsibility for Events in China after 1937.

AA-64. On 15 October 1937, ARAKI was appointed a member of the Cabinet Advisory Council on China. This body was established in October, 1937, to advise on the situation in China. ARAKI was appointed a member almost as soon as it was formed and remained a member until he was appointed Minister of Education, once again resuming

(AA-62. b. Ex. 691, T. 7441-2.

AA-63. a. Ex. 667, T. 7309.
b. Ex. 2409, T. 19469.)

1 his membership as soon as he resigned from that office.
 2 Meetings were held once a week and attendance was com-
 3 pulsory.
 4

5 AA-65. ARAKI stated that, in his capacity as
 6 a Cabinet Councillor, he did his best to comply with the
 7 Premier's request to terminate the China Incident^{a.} and,
 8 in his interrogation, he placed responsibility for the
 9 aggression against China on the Army and Navy. He
 10 stated, however, that troops could be sent overseas only
 11 with the consent of the Prime Minister and the War,
 12 Navy, Finance and Foreign Ministers.^{b.}

13 AA-66. ARAKI was a Cabinet Councillor when, on
 14 24 December 1937, the Cabinet made its decision regard-
 15 ing the outline of measures for the China Incident. At
 16 this meeting the decision was made to establish an anti-
 17 communistic and pro-Japanese regime in the occupied
 18 parts of China, in opposition to the Nanking Regime.
 19 This regime was to be established as military operations
 20 progressed, although negotiations were still being
 21 carried on with Nanking, hopeless though they might be.^{a.}

22 AA-67. Although ARAKI was a Cabinet Councillor
 23 at the time, he denied all knowledge of the Rape of Nan-
 24 king.^{a.} The Court will remember the large amount of

25 (AA-64. a. Ex. 2217, T. 15883.

AA-65. a. Ex. 3161, T. 28178.

b. Ex. 2216, T. 15832.

AA-66. a. Ex. 3263, T. 29817.

AA-67. a. T. 28401.)

b.

testimony given about this event.

1 AA-68. On 16 January 1938, the Japanese
2 Government issued a statement in which they declared
3 they would no longer deal with Chiang Kai-shek, but
4 henceforth would look forward to the establishment of a
5 New China Regime, with which they could co-operate
6 harmoniously. ^{a.} ARAKI stated that the Cabinet advisors
7 were opposed to the wording of this declaration of the
8 KONOYE Cabinet that Japan would have no further dealings
9 with Chiang Kai-shek, and that although they saw it
10 before it was published and voiced their opinions on the
11 wording, the statement was nevertheless issued. ^{b.} In
12 view of ARAKI's record as regards China over a period of
13 almost eight years, it may be doubted whether his oppo-
14 sition to this wording, if in fact he ever really ex-
15 pressed any, amounted to anything of importance.

17 AA-69. On 27 January 1938, the program for
18 the establishment of the Central China New Regime was
19 tentatively decided upon by the Japanese Cabinet. The
20 site of the government was to be first at Shanghai and
21 later at Nanking. This government was to be powerfully
22 stimulated by Japan and Japanese influence was to be
23 extended. its education system was to undergo wholesale

24 AA-67. b. Ex. 205-208, T. 2556-2615;
25 Ex. 306-329, T. 4455-4604.
AA-68. a. Ex. 972-A, T. 9505
 b. T. 28408.)

a.
revision.

1 AA-70. On 24 May 1938, ARAKI joined the Cab-
 2 inet as Minister of Education, and during his tenure of
 3 Cabinet office, was, of course, responsible for all acts
 4 of the Government. He himself admitted during interro-
 5 gation that, as a member of the Cabinet, and according
 6 to the Constitution, he could be held responsible for a
 7 statement made by the Japanese Government. a. He also
 8 stated that, whilst he was Education Minister, the
 9 Prime Minister, Foreign, Navy and War Ministers brought
 10 important questions of policy before the full Cabinet
 11 meeting, which normally met once a week and that policy
 12 had to be agreed by the whole Cabinet. b. He says that
 13 he joined this Cabinet, although it had previously re-
 14 jected his advice, because he felt he should make one
 15 more final effort for the sake of his country. c. In our
 16 submission, joining the Cabinet, as he did, immediately
 17 after seven months membership of the Cabinet Advisory
 18 Council on China, he must have been perfectly well aware
 19 of the government policy towards China, which he adopted
 20 as his own by entering the Cabinet. Moreover, the fact
 21 that he was a member of this Cabinet Advisory Council on
 22 China from October, 1937, to May, 1938, and again, after
 23 (AA-69. a. Ex. 463, T. 5311.
 24 AA-70. a. Ex. 2219, T. 15841.
 25 b. Ex. 2218, T. 15837.
 c. T. 28410.)

he ceased to be Minister of Education, from August, 1939,

1 until August, 1940, shows, in our submission, that he was
 2 recognized as an authority on China. The worst outrages
 3 committed by the Japanese forces in China whilst he was
 4 a member of this Council, notably the Rape of Nanking,
 5 must have been known to him. His continued tenure of
 6 this position, and subsequent acceptance of office in
 7 the government responsible for such a barbarity, throws
 8 light on his probable attitude to similar events, whilst
 9 his denial of all knowledge of it^{d.} throws, in our sub-
 10 mission, light on his reliability as a witness. He
 11 stated, during interrogation, that the Cabinet Advisory
 12 Council on China met once a week and that attendance was
 13 compulsory.^{e.}

14 AA-71. On 26 October 1938, Japan objected
 15 (though without effect) to the shipment of Chinese war
 16 supplies through French Indo-China.^{a.}

17
 18 AA-72. An official declaration was issued by
 19 the Japanese Government on 3 November 1938 stating that
 20 Japan had practically achieved her end in China, with the
 21 National Government reduced to a local regime, and the
 22 main territory conquered, but would fight on until it
 23 was completely destroyed. Japan's aim was stated to be

24 (AA-70. d. T. 28401.

e. Ex. 2217, T. 15833.

25 AA-71. a. Ex. 616-A, T. 6802.)

a new order in East Asia and the declaration further
 1 stated that other powers should realize Japan's inten-
 2 tions and change their attitude to suit the situation.^{a.}
 3 ARAKI was Education Minister at the time of this Govern-
 4 ment statement, yet in his affidavit he contended that
 5 he had never dreamed of aggression against China.^{b.} On
 6 22 December 1938, Premier KONOYE stated that it was
 7 Japan's resolve to exterminate the Kuomintang Government
 8 and establish a new order in the Far East, and he
 9 visualized the unification of Japan, China, and Manchu-
 10 kuo.^{c.} When asked why he remained a member of a govern-
 11 ment which, by statements such as these, clearly demon-
 12 strated that it was acting in opposition to his
 13 principles, ARAKI maintained that he still held hope
 14 that his ideals could be realized.^{d.} Despite ARAKI's
 15 insistence that his intent towards China was one of
 16 peace, he made a statement to the Domei Press on 11 July
 17 1938 in which he stated Japan's determination to finish
 18 with China and the U.S.S.R. and that she would carry the
 19 fight on for more than a decade.^{e.}

21 THE PRESIDENT: We will adjourn until half
 22 past one.

23 (Whereupon, at 1200, recess was taken.)

24 AA-72. a. Ex. 1291, T. 11695. d. T. 28411.
 25 b. Ex. 3161, T. 28179. c. Ex. 671-A, T. 7336.
 c. Ex. 972-H, T. 9527.

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AFTERNOON SESSION

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2

The Tribunal met, pursuant to recess, at 1330.

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MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

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6

THE PRESIDENT: Captain Kraft.

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LANGUAGE ARBITER (Captain Kraft): If the
Tribunal please, the following language correction is
submitted: Exhibit No. 74, page 2, Article X (was not
read into court record), change "Article No. X" to

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"Article No. XI." Insert Article No. X as follows:

"Article No. X. In the Military Affairs Bureau shall
be established the Military Administration Section
and the Military Affairs Section."

THE PRESIDENT: Thank you, Captain.

Mr. Brown.

MR. BROWN: XI. ARAKI's Relations with the
Western Powers.

AA-73. In view of the joint and several
responsibilities of all members of the Cabinet for
government policy, to which reference has already been
made, ARAKI's tenure of the Ministry of Education from
May 1938 to August 1939 is very important when one is
considering his record.

AA-74. In his capacity as Minister of

Education he attended the Privy Council meeting on
 1 22 November 1938, where the cultural agreement to
 2 enlighten cultural relations between Japan and Germany
 3 was approved.^a This agreement was not meant to be
 4 confined to Germany alone, but to embrace as many
 5 countries as possible. Subsequently, Japan entered
 6 into an agreement with Hungary, Brazil and Siam as
 7 well as carrying out cultural exchanges with Poland,
 8 Portugal, Argentina and Belgium.^b On 23 March 1939,
 9 a cultural cooperation agreement was concluded with
 10 Italy.^c These cultural agreements are said to have
 11 aimed at cultural exchanges throughout the world and
 12 the Foreign Office is said always to have conferred
 13 with the Ministry of Education as to the conclusion
 14 and enforcement of such an agreement.^d

16 AA-75. ARITA stated that discussions on
 17 important affairs, such as the conclusion of a Tri-
 18 partite Alliance, were discussed at Five Ministers'
 19 Conferences, which ARAKI, as Education Minister, could
 20 not attend.^a Yet ARAKI himself stated that, when he
 21 was Education Minister, the Premier, Foreign, Navy and
 22

23 AA-74.

- 24 a. Ex. 589, T. 6573.
 25 b. Ex. 3169, T. 28487.
 c. Ex. 38, T. 6577.
 d. Ex. 3169, T. 28488.

AA-75.

- a. Ex. 3169, T. 28486.

War Ministers brought important questions of foreign policy before the full cabinet meeting.^{b.}

AA-76. While ARAKI was a member of the Cabinet, in 1939, the intensification of the anti-Comintern Pact was decided upon.^{a.} TOMITA testified that ARAKI opposed the conclusion of the Tripartite Alliance both from an ideological and professional military standpoint^{b.} and ARITA stated that ARAKI's feelings on this point was one of the principal reasons for his being considered a likely successor to HIRANUMA.^{c.} Yet, on 22 February 1939, ARAKI attended the Privy Council meeting where the participation of Hungary and Manchuria in the anti-Comintern Pact was unanimously approved.^{d.}

AA-77. On 12 January 1940, during ARAKI's tenure of office as Cabinet advisor, the Japanese Government informed the Netherlands Government of the abrogation of the Japanese-Netherlands Arbitration Treaty.^{a.}

AA-75.

b. Ex. 2218, T. 15837.

AA-76.

a. Ex. 500, T. 6094.

b. Ex. 3172, T. 28547.

c. Ex. 3169, T. 28488.

d. Ex. 491, T. 6037.

AA-77.

a. Ex. 1308, T. 11769.

AA-78. While ARAKI stated that Japan desired good relations with both Britain and the United States^a. he was a member of the government which, despite numerous protests and complaints, continued the policy of trade discrimination against, and destruction of, British and American interests in China. A large number of protests were delivered to the Japanese Government in this connection.^b The Japanese Government, however, took no real action as a result of these protests for, although they reiterated their regard for the rights of Third Powers^c and paid lip service to the Open Door Policy, they never altered their policy as a result of these complaints.^d

XII. ARAKI's Work as Education Minister.

AA-79. On 24 May 1938, ARAKI became Minister of Education in the First KONOYE Cabinet, which position he held until the fall of the HIRANUMA Cabinet on 30 August 1939.^a Apprehension was felt

AA-78.

a. Ex. 3161, T. 28180.

b. Ex. 974, T. 9537; Ex. 975, T. 9538; Ex. 976, T. 9540; Ex. 980, T. 9554; Ex. 981, T. 9555; Ex. 982, T. 9556; Ex. 973, T. 9531; Ex. 457, T. 5207; Ex. 983, T. 9557; Ex. 984, T. 9558; Ex. 989, T. 9577; Ex. 991, T. 9592; Ex. 990, T. 9590; Ex. 613A, T. 6733; Ex. 992, T. 9598; Ex. 985, T. 9560; Ex. 995, T. 9604; Ex. 1003, T. 9616, 9618.

c. Ex. 9721, T. 7512.

d. Ex. 987, T. 9565.

AA-79.

a. Ex. 103, T. 686.

in some circles about his appointment, particularly since he was a military man, but IWAMATSU testified that ARAKI's attitude soon dispelled these feelings.^{b.}

AA-80. As far back as 1931, ARAKI, who was then War Minister, advocated military training and military lectures as part of the curriculum at Tokyo University, but at this time the demand was refused.^{a.} In 1938, when he became Education Minister, military drill and lectures were a part of the school curriculum although attendance was still optional.^{b.} It was during his tenure of this office -- in 1939 -- that compulsory military training and lectures were ordered in all universities,^{c.} and that school military training became a separate course from the gymnastic course.^{d.} Lectures, training and propaganda were conducted by military instructors to inspire a militaristic and ultranationalistic spirit in the students,^{e.} whilst failure by professors to cooperate resulted in their dismissal or imprisonment.^{f.}

Military training was formulated after consultation between the War and Education Ministries, and the Education Ministry was to a very great extent ruled

AA-79.

b. Ex. 2378, T. 18542.

AA-80.

c. T. 943.

d. Ex. 2377, T. 18451.

e. T. 743.

f. T. 944

AA-80.

a. T. 943.

b. Ex. 2378, T. 18540.

by the War Ministry.^g ARAKI admitted he changed the
 1 system of training in schools, but maintained it was
 2 for the promotion of lofty ideals amongst the students.^h
 3 This admission in itself conflicts with the stout
 4 contention by the defense witness IWAMATSU that ARAKI
 5 took no new measures concerning military education on
 6 his own initiative.ⁱ ARAKI testified that the issu-
 7 ance of lethal weapons for this training was made at
 8 the request of the students and school authorities
 9 and not by order of the Education Ministry.^j On the
 10 other hand, OUCHI stated that the use of such weapons
 11 was made compulsory in 1939.^k

AA-81. IWAMATSU stated that youth schools
 14 were founded in 1935 for the enlightenment and
 15 training of youth, and that, although attendance
 16 was made compulsory in 1939, even then no punitive
 17 measures were taken for non-attendance.^a ARAKI stated
 18 that in January 1938, before his appointment as
 19 Education Minister, compulsory education in youth
 20 schools had been decided on at a Cabinet meeting. The
 21 subject was deliberated on and accordingly, in July of
 22 the same year, it was decided that an Imperial Ordinance

AA-80.

AA-81.

g. T. 965.

a. T. 18554.

h. Ex. 3161, T. 28211.

i. T. 18548.

j. Ex. 3161, T. 28212.

k. T. 964.

be issued, in April 1939, for its enforcement.^b On
 1 the other hand, IWAMATSU contended that general
 2 agreement had been reached in 1935, although the
 3 regulation itself was issued during ARAKI's tenure
 4 as Education Minister in 1939.^c In 1939 the youth
 5 training schools were renamed the Youth Schools and
 6 became a compulsory course.^d IWAMATSU testified
 7 that, on 30 November 1938, after consultation between
 8 the War and Education Ministries, "a regulation of
 9 the Ministry of War concerning Education" was issued
 10 by the War Ministry.^e ARAKI himself was amongst
 11 the signatories of an amendment concerning the in-
 12 spection of military training at youth schools.^f

14 XIII. Speeches and Writings by ARAKI.

15 AA-82. ARAKI in his affidavit referred to
 16 an article entitled "To President Chiang Kai-shek,
 17 an appeal to my Brethren" in which he expressed his
 18 feelings on the subject of relations between Japan
 19 and China.^a However, in his commentary, in the
 20 film "Critical Period for Japan" he demonstrated an
 21 entirely different line of thought. He stated that
 22 Japan was a divine country with a mission to restore

23 AA-81.

24 b. Ex. 3161, T. 28207.

c. T. 18509.

25 d. T. 18451.

e. Ex. 2379, T. 18568.

f. Ex. 135, T. 1018.

AA-82.

Ex. 3161, T. 28175.

1 peace in the Orient, depicted the League of Nations
2 as not understanding her intentions, and acclaimed
3 the Manchurian Incident as a revelation from heaven.
4 He called for increased efforts in the field of arma-
5 ments and manpower, extolling the glory of Japan.^{b.}

6 AA-83. On 23 March 1932, ARAKI made a
7 speech at the 61st Diet Session concerning the
8 Manchurian Incident and justifying Japan's action
9 in the first Shanghai Incident.^{a.}

10 AA-84. ARAKI, in an article "Japan's
11 Mission in the Showa Era 1933," stated that Japan
12 did not want such an ambiguous area as Mongolia next
13 to her sphere of influence. Mongolia should be given
14 independence and it would be outrageous to leave her
15 to be preyed upon by other countries. Therefore, it
16 should be made clear that the Japanese would crush
17 any country that turned against the Imperial Way.^{a.}
18 In a book by ARAKI, "Address to All Japanese People"^{b.}
19 dated 21 February 1933, he stated, in connection with
20 Manchuria, that Japan must let Europe and America
21 understand the existence of a spirit which would
22

23 AA-82.

24 b. Ex. 148A, T. 1176, 3155.

25 AA-83.

a. Ex. 3167, T. 28436.

AA-84.

a. Ex. 760A, T. 7828.

b. Ex. 3164A, T. 28364.

cause Japan to push ahead, brushing everything
 1 aside, if obstacles were laid in her way. He also
 2 said that Japan would no longer tolerate the high
 3 handedness of white races and that it was her duty
 4 to resolutely oppose the action of any power if it
 5 was against Japan's policy.^c He added that any who
 6 opposed the Imperial Way should be given an injection
 7 with the bullet and the bayonet.^d

8 AA-85. At a meeting of prefectural
 9 governors in 1933 ARAKI made a speech in which he
 10 stated that Japan would inevitably clash with the
 11 U.S.S.R. and that she should establish herself in
 12 the territories of the Maritime Province, Siberia and
 13 Labarkalye.^a

14 AA-86. It is true that, in the summer of
 15 1934, ARAKI made a speech to a group of foreigners at
 16 Karuisawa, in which he expressed his belief in world
 17 peace through discussions between U.S.A., Britain
 18 and Japan,^a but, in a statement to the Japanese
 19 press, printed in the "Japan Advertiser" in July
 20 1938, ARAKI stated that "Japan's determination to
 21 fight to a finish with China and the U.S.S.R. was
 22 sufficient to carry it on for more than a decade."^b

23 AA-84.

24 c. Ex. 3164A, T. 28368.

25 d. Ex. 3164A, T. 28370.

AA-86.

a. Ex. 3161, T. 28182.

b. Ex. 671A, T. 7336.

AA-85.

a. Ex. 3371, T. 31836.

1 In 1938, on the 15th Anniversary of the issuance of
2 the Imperial Rescript, ARAKI, as Education Minister,
3 made a speech on the awakening of the National
4 spirit. In this he said that, at this time, when
5 Canton and the three principal cities near Hankow
6 had been captured by the Japanese Army, they must
7 proceed on the path of supporting the Emperor's
8 undertaking of expanding the Imperial Way. This was
9 only the first ray of the dawn of a new world, towards
10 the construction of which they must push forward
11 slowly but steadily.^c

12 AA-87. On March 28, 1939 ARAKI was
13 appointed President of the General National Mobiliza-
14 tion Committee.^a It is clearly inconceivable that
15 such a post should have been confided at such a time
16 to anyone who was not heart and soul in sympathy
17 with and an active supporter of, the Japanese con-
18 spiracy for world domination.

19 AA-88. It is submitted that the whole story
20 establishes his membership in each of the conspiracies
21 charged in Counts 1 to 5 and is therefore evidence of
22 his responsibility for the specific matters, alleged
23 in the remaining counts, which arose out of those
24

25 AA-86.

c. Ex. 2223A, T. 15847.

AA-87.

a. Ex. 103, T. 686.

1 conspiracies. Particular attention is, however,
2 drawn to certain paragraphs of this summation in
3 connection with certain counts, as follows:

4 Count 18: Par. AA-2 - AA-15, incl.,
5 AA-38, AA-62, AA-65, AA-70, AA-75, AA-82, AA-84.

6 Count 19: Par. AA-55, AA-56, AA-59, AA-63 -
7 AA-73, incl., AA-75, AA-78, AA-80 - AA-84, incl., AA-86.

8 Counts 25 and 26: Par. AA-57 - AA-63, incl.,
9 AA-70, AA-72, AA-75, AA-76, AA-80, AA-81, AA-82, AA-84 -
10 AA-86, incl.

11 Count 27: Par. AA-2 - AA-56, incl., AA-58,
12 AA-59, AA-62 - AA-73, incl., AA-75, AA-78 - AA-84, incl.,
13 AA-86.

14 Count 28: Par. AA-51, AA-52, AA-55, AA-56,
15 AA-58, AA-59, AA-63 - AA-73, incl., AA-75, AA-78,
16 AA-80 - AA-84, incl., AA-86.

17 Counts 35 and 36: Par. AA-57 - AA-63, incl.,
18 AA-70, AA-72, AA-73, AA-75, AA-76, AA-80 - AA-82,
19 incl., AA-84 - AA-86, incl.

20 Counts 45, 46, 47: Par. AA-70, AA-72.

21 Count 51: Par. AA-57 - AA-63, incl.,
22 AA-70, AA-72, AA-75, AA-76, AA-80, AA-81, AA-82,
23 AA-84 - AA-86, incl.

24 AA-89. This summarizes the case against
25 ARAKI.

And now, your Honors, Judge Nyi will continue for the prosecution.

THE PRESIDENT: Judge Nyi.

JUDGE NYI: May it please the Tribunal, I shall present summation on DOHIHARA, Kenji.

THE PRESIDENT: Yes, Judge.

JUDGE NYI: DOHIHARA, Kenji.

1. DOHIHARA as a Forerunner of Aggression
BB-1. The role played by DOHIHARA in this over-all conspiracy is a most important one, because he was one of the original conspirators and participated in the conspiracy from the very beginning to the end. In all his adventures in China, beginning with the Manchurian invasion, evidence shows that he invariably acted as a forerunner and his bold undertakings, though obviously unlawful, were time and again connived at or even ratified by higher authorities as fait accompli.

BB-2. DOHIHARA's tactics of creating incidents to pave the way for further intrigues and aggression became so well-known in China that his presence in any locality was always looked upon as a precursor of trouble and a sign of impending invasion. Such apprehension of the Chinese people about DOHIHARA can be seen from the reports of his own Special Service

Organ to the War Ministry in 1934 in the following words: "In South China, to hear the names of major General DOHIHARA and ITAGAKI is something like 'mention a tiger and the people turn pale.'"^{a.}

II. DOHIHARA's Activities Prior to the Manchurian Incident.

BB-3. Prior to the Mukden Incident, DOHIHARA^{a.} already had spent eighteen years in China, and his knowledge of the situation there had won the recognition of his superiors.^{b.} He was particularly familiar with the situation in Manchuria, where he had served as aide to MATSUI, Nanao, Japanese adviser to the Chinese Governor, Marshal Chang Tso-Lin,^{c.} who was murdered by a clique of officers in the Kwantung Army^{d.} in 1928.

BB-4. DOHIHARA became intimately acquainted with Dr. OKAWA, Shumei,^{a.} who fervently advocated the incorporation of Manchuria into the Japanese Empire^b in order to make Japan economically self-sufficient and capable of waging a protracted war with the United States.^{c.} For more than two years prior to the

BB-2. a. Ex. 3177-A, T. 28,618-9, 28,657

BB-3. a. Ex. 2190-A, T. 15,723 b. T. 19,995

c. Ex. 2190-A, T. 15,722 d. Ex. 175, T. 1817-8

BB-4. a. Ex. 2177-A, T. 15,565

b. Ex. 2177-A, T. 15,566

c. Ex. 2177-A, T. 15,578

1 Manchurian Incident, OKAWA had been agitating for
 2 positive action in collaboration with the Army,^{d.}
 3 gathering authorities versed in the situation in
 4 Manchuria, Mongolia and other parts of China to push
 5 forward his program.^{e.} DOHIHARA, being an Army man
 6 and expert on China, became one of the very inner.
 7 circle. Other members of the Army who were intimate-
 8 ly acquainted with OKAWA included the accused ITAGAKI
 9 and KOISO.^{f.} Although DOHIHARA had been kept busy at
 10 his outpost in China, he was in the meantime involved,
 11 according to OKAWA's testimony in the Tokyo Court of
 12 Appeals, in the drafting of a plan to set up a Cabin-
 13 et centering around the Army with a more positive
 14 policy toward Manchuria.^{g.}

15 BB-5. In August 1931, when the tension
 16 began to mount in Manchuria, DOHIHARA was appointed
 17 the Chief of the Special Service Organ of the Kwan-
 18 tung Army at Mukden and arrived at Mukden on 18
 19 August 1931.^{a.} Ostensibly, he went there to inves-
 20 tigate the case of Captain NAKAMURA and to negotiate
 21 with the Chinese authorities on the matter, but
 22 his real mission was, as disclosed in his interro-
 23

24 BB-4. d. Ex. 2177-A, T. 15,573-5

e. Ex. 2178-B, T. 15,595

f. Ex. 2177-A, T. 15,565

25 g. Ex. 2177-A, T. 15,587

BB-5. a. Ex. 2190-A, T. 15,713-4

gation, to investigate and determine the strength of
 1 the Chinese forces, their training, their communica-
 2 tion^{b.} and the condition of the civilian population.

3 Before he finally arrived at Mukden, he had made an
 4 extensive trip through Shanghai, Hankow, Peking and
 5 Tientsin,^{c.} which was entirely unnecessary for the
 6 investigation of the NAKAMURA Case.

7 BB-6. While every effort was being made on
 8 the part of the Chinese authorities to meet the wishes
 9 of the Japanese and an amicable solution of the NAKA-
 10 MURA Case was believed to be near by the Japanese
 11 Consular authorities and press men in Mukden, it was
 12 DOHIHARA who continued to question the sincerity of
 13 the Chinese efforts to arrive at a satisfactory
 14 solution.^{a.} Even his own witness, SHIBAYAMA, had to
 15 admit the sincerity of the Chinese.^{b.} There remains
 16 no room for doubt that DOHIHARA after making the ex-
 17 tensive trip had already counted on China's lack of
 18 power to resist. Consequently, he stood ready for
 19 positive measures.
 20

21 BB-7. Early in September 1931, reports came
 22 to Tokyo that ITAGAKI and other staff officers of the
 23

24 BB-5. b. Ex. 2190-A, T. 15,724-5

c. Ex. 2190-A, T. 15,725

25 BB-6. a. Ex. 57, P. 65

b. T. 28,642

Kwantung Army, with the NAKAMURA Case as a pretext,^a
 were scheming to start military actions in Manchuria.
 DOHIHARA was summoned to Tokyo to report. Ignoring
 the sincere wish of General Chang Hsieh-Liang for a
 peaceful settlement which had been made clear to the
 Japanese Government by two of his emissaries, SHIRA-
 YAMA and Tang Er-Ho, DOHIHARA was quoted by the
 press as the advocate of solving all pending issues
 in Manchuria by force, if necessary, and as soon as
 possible.^b Upon DOHIHARA's report, TATEKAWA of the
 General Staff, who had always maintained that Man-
 churia should be placed under Japanese control,^c was
 sent to Mukden, and DOHIHARA immediately followed.^d
 On the day TATEKAWA made his appearance in Mukden
 dressed in civilian clothes, the Incident broke out.^e

III. DOHIHARA's Part in the Mukden Incident.

BB-8. Although DOHIHARA himself was not in
 Mukden on the night of 18 September 1931 when the
 Mukden Incident broke out, the office of DOHIHARA's
 Special Service Organ was, nevertheless, the center
 of invasion operations. This organ served as the
 indispensable link in the chain of communications

- BB-7. a. T. 1324, 33,590
 b. Ex. 57, pp. 64-6
 c. T. 2002
 d. Ex. 2190, T. 15714, 15725-6
 e. T. 3022-3

between the outposts and the Headquarters of the Kwantung Army. It had the exclusive possession of a special code by which communication to the Commander-in-Chief was to be made.^a It was on the premises of this organ that ITAGAKI approved the plan of SHIMAMOTO and HIRATA for attacking the Chinese and reported the same to HONJO, who was then at Port Arthur.^b MORI-SHIMA's testimony during cross-examination that he thought DOHIHARA had no connection with the Incident^c merely dispels the assumption that as one of the original schemers DOHIHARA would very likely have taken part personally in the activities of September 18, but evidence of subsequent events clearly shows the significance of his role.

BB-9. On the morning of 19 September 1931, the population of Mukden woke to find their city in the hands of Japanese troops.^a The Kwantung Army Headquarters moved into occupied Mukden on the same morning.^b Following his return from Tokyo, DOHIHARA was appointed on 21 September 1931 Mayor of Mukden assisted by an Emergency Committee with a majority of Japanese members.^c All the important positions in

BB-8.

a. T. 30353
b. T. 35355
c. Ex. 245, T. 3103

BB-9.

a. Ex. 57, P. 67
b. T. 30265
c. Ex. 57, p. 88

1 his administration, including the General Affairs
2 Section, the Police Affairs Section, the Financial
3 Affairs Section, the Sanitary Affairs Section, and^d
4 the Public Works Section were occupied by Japanese.

5 BB-10. The assumption of mayoralty by
6 DOHIHARA was significant, because for the first time
7 an officer in active service in the Japanese Army
8 took over the administration of a city in China, whose
9 territorial and administrative integrity Japan had
10 pledged to respect by the Nine Power Treaty. What-
11 ever name might have been used at that time to
12 characterize this administration, MINAMI, the then
13 War Minister, frankly admitted that the Cabinet deci-
14 sion of 21 September 1931 prohibiting the establish-
15 ment of a military administration at Mukden was not
16 carried out for a month or two.^a

17 BB-11. It was contended that DOHIHARA as
18 Mayor of Mukden did not interfere with internal
19 political affairs, but was merely charged with the
20 duty of restoring peace and order.^a The evidence
21 shows, however, that his activities far exceeded
22 that limit. Immediately after his return to Mukden,
23 while occupying the post of Mayor of that city, he

24 BB-9. d. Ex. 3479-B, T. 33603
25 BB-10 a. T. 19879
BB-11 a. T. 20068

1 acted concurrently as the spokesman for General HONJO,
2 Commander-in-Chief of the Kwantung Army, and through
3 his connection between Army Headquarters and the out-
4 side world was to be established.^b

5 BB-12. In the latter part of September 1931,
6 when the Self-Government Guidance Board was set up
7 in Mukden to foster the so-called independence move-
8 ment, DOHIHARA was in charge of the Special Service
9 or Espionage Division and supplied much of the infor-
10 mation about the attitude of the Chinese to ITAGAKI,
11 the man who was to approve all the policies and
12 activities of the Board.^a According to the report of
13 Consul-General HAYASHI at Mukden to Foreign Minister
14 SHIDEHARA on October 28, every effort was being made
15 toward the realization of local autonomy sponsored
16 by the Japanese Army, and for this purpose the Guid-
17 ance Committees of the various prefectures were ac-
18 tually occupied by Japanese. Instructions were given
19 to garrison commanders and provost marshals of various
20 areas to support the policy and not to reveal it out-
21 wardly, the report continued.^b

22 BB-13. DOHIHARA was also active on the
23 Local Peace Preservation Committee and exercised a
24

25 BB-11. b. T. 3212

BB-12. a. T. 2793-4

b. Ex. 3479-I, T. 33623-9

great deal of pressure on the Chinese officials left
 behind there.^a On September 28, HAYASHI reported to
 SHIMIDHARA that according to DOHIMARA the Local Peace
 Preservation Committee should be led and gradually
 made into the central organ of administration.^b On
 October 6, HAYASHI reported that DOHIMARA stopped the
 attempt of YOSHII, Kiyoharu, and others to establish
 a new political regime other than the Local Peace
 Preservation Committee supported by the Army, and
 DOHIMARA advised YOSHII to resign voluntarily.^c
 Pressure was brought to bear upon the Local Peace
 Preservation Committee to declare on November 8 that
 it would sever relations with the old regime of
 General Chang Hsueh-Liang and with the National
 Government of China.^d Thus, the stage was set for
 the emergence of a puppet to make this independence
 movement perfect.

IV. DOHIMARA's Plot of Abducting Pu-Yi.

BB-14. DOHIMARA was not content to stop
 midway, so he headed and executed the plot to remove
 the ex-Emperor Pu-Yi from Tientsin to Manchuria. He
 admitted in his interrogation that in October 1931 he

BB-13.

- a. T. 3962-3
- b. Ex. 3479-C, T. 33605-6
- c. Ex. 3479-E, T. 33610
- d. Ex. 3479-J, T. 33623

1 was sent to Tientsin to contact Pu-Yi by order of
 2 HONJO, while the details of the meeting were arranged
 3 by ITAGAKI.^a On October 26, DOHIHARA secretly left
 4 Mukden for Tientsin via Dairen with a political free
 5 lancer (ronin) named OTANI, Takeshi, and expected to
 6 execute, upon arrival there, the plan to kidnap the
 7 ex-Emperor to Tangku and from there to Yinkow.^b

8 BB-15. Despite the fact that his arrival at
 9 Tientsin was kept secret, the nature of his mission
 10 became widely known in other parts of China. Accord-
 11 ing to the report of Consul-General MIURA at Shanghai
 12 to Foreign Minister SHIDEHARA on 2 November 1931,
 13 DOHIHARA in Tientsin was planning to take Pu-Yi to
 14 Mukden, but the latter refused and was being threaten-
 15 ed.^a Pu-Yi testified that he was during that time
 16 annoyed by a series of threats and terroristic acts
 17 behind which, as he later ascertained, DOHIHARA was
 18 the man pulling the strings.^b Goette also testified
 19 that DOHIHARA was in North China at the time when a
 20 fruit basket containing a bomb was sent to the home
 21 of Pu-Yi in the Japanese concession at Tientsin.^c

22 BB-16. DOHIHARA had been previously told by

- 23
 24 BB-14. a. Ex. 2190-A, T. 15726
 b. Ex. 3479-H, T. 33618
 25 BB-15. a. Ex. 288, T. 4361-3
 b. T. 3954, 4124
 c. T. 3729-30

1 his Government, through KUWASHIMA, Consul-General at
2 Tientsin, that the creation of an independent state
3 in Manchuria at this time would raise the question of
4 its being contrary to Section 1, Article 1 of the
5 Nine Power Treaty and that since the whole population
6 of Manchuria consisted of Chinese nationals, the
7 restoration of the ex-Emperor would be unpopular in
8 Manchuria and would make it impossible for the Govern-
9 ment to reach an understanding with China in the
10 future.^a Nevertheless, DOHIHARA insisted upon carry-
11 ing out the plan and told KUWASHIMA on November 3
12 that it would be possible to pretend that Japan had
13 nothing to do with it by landing the ex-Emperor at
14 Yinkow (in Manchuria).^b On the same day, DOHIHARA
15 pointed out to the staff of the consulate that the
16 state of affairs in Manchuria was brought about solely
17 by the activities of the Chinese military authorities
18 there, and that in case the enthronement of the Em-
19 peror became indispensable in order to save the situa-
20 tion, it would be outrageous for the Japanese Govern-
21 ment to take action to prevent it.^c He went so far
22 as to say that in case of interference by the Govern-
23 ment, the Kwantung Army might separate from the

24 BB-16. a. Ex. 286, T. 4356-8
b. Ex. 239, T. 4364
c. Ex. 290, T. 4367

Government and accidents graver than assassination
might occur in Japan.^{d.}

BB-17. To accelerate his plan DOHIHARA had
an interview with Pu-Yi and insisted upon the latter's
return to Manchuria by all means before November 16.^a
In the meantime, DOHIHARA was again reported to have
threatened Pu-Yi in various ways.^b He even associated
himself with various factions and subversive organiza-
tions to cause a riot to occur on November 8, and
carried out the ex-Emperor's passage to Manchuria
amid confusion following the riot.^c Consul ARAKAWA
reported on November 13 that DOHIHARA headed the plot
for the escape of the ex-Emperor from Tientsin under
armed guard.^d Pu-Yi was at first placed under the
"protective custody" of the Japanese Army at Yinkow,
but was later taken to Port Arthur.^{e.}

BB-16. d. Ex. 290, T. 4367-9

BB-17. a. Ex. 291, T. 4373

b. Ex. 292, T. 4375-6

c. Ex. 300, T. 4395-6

d. Ex. 294, T. 4379-80

e. Ex. 297, T. 4387-8; Ex. 298, T. 4390;

Ex. 302, T. 4400

BB-18. The desperateness of DOHIHARA's
1 actions in carrying out this plot was summarized by
2 the report of Consul-General KUWASHIMA in the
3 following wording:
4

5 " . . . The object of DOHIHARA's arrival in
6 Tientsin, in which he embodied the intentions of the
7 Kwantung Army, was in the speedy enticement of the
8 former Emperor Hsuan Tung which was to serve as a
9 promise for the establishment of the independent
10 state of Manchukuo, and thereby to undermine and
11 crush the influence of Chang Hsueh-Liang. For this
12 matter he repelled all intervention and remonstrance;
13 and at times, knowing that it was against the
14 national policy, he would resort to all sorts of
15 plots under the secret support of influential
16 politicians, with determination that it was unavoi-
17 dable for him to take free activities from the stand-
18 point of the Kwantung Army. And without regard to
19 means, he finally caused a riot to occur on the 8th,
20 but when he saw that it ended in a failure due to
21 miscarriage of the plan, he took the opportunity of
22 the riot throughout the city and carried out resolutely
23 the Emperor's passage to Manchuria. His desperate
24 actions are beyond our imagination. . . The riot has
25 turned into a clash between Japan and China and the

trouble started by DOHIHARA has not only caused
1 difficulties and complications for the Japanese
2 residents but has thrown Tientsin into disorder and
3 confusion. It has extremely hurt the prestige of the
4 Empire and has created an unfavorable international
5 situation. It can be imagined that the reactionary
6 element especially, in following his orders, committed
7 unpardonable acts and it is quite natural that it has
8 drawn the suspicion of both the Japanese people and
9 people of the rest of the world. I have fully talked
10 with him several times not to commit such rash actions,
11 but it appears he is continuing plans to overthrow
12 Chang and there is apprehension that he may start
13 another Incident in the Peking-Tientsin area in the
14 near future."a.

16 BB-19. Particular attention is invited
17 to the fact that in carrying out this plot, DOHIHARA
18 not only repelled all advice or intervention by the
19 consular authorities in Tientsin, but also ignored
20 the instructions of his superiors. On November 12,
21 HONJO told Consul-General HAYASHI that not only had
22 he heard nothing whatsoever regarding Pu-Yi's coming
23 to Manchuria, but that he even had ITAGAKI notify
24 Tientsin several days before not to hurry about

25 BB-18.

a. Ex. 300, T. 4394-97.

1 it.^a ITAGAKI also admitted in cross-examination
2 that he was so ordered to send the telegram.^b But
3 nothing was shown why the order was not obeyed.
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23 BB-19.

24 a. Ex. 2196, T. 15740.
25 b. T. 30381.

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BB-20. DOHIHARA stated in his interrogation
1 that he was told by ITAGAKI not to bring back Pu-Yi
2 forcibly.^a Nevertheless, Pu-Yi was taken to Yinkow^b
3 under armed guard, as reported by Consul ARAKAWA. He
4 had practically taken up the matter in his own hands in
5 carrying out the plot resolutely and defiantly, while
6 his superiors tacitly approved it later. It had a far-
7 reaching effect on the discipline and demeanor of the
8 officers in the Kwantung Army, who continued to victim-
9 ize China at later stages. Such was the usual method
10 of handling things by DOHIHARA, for he admitted in his
11 interrogation that it was his motto that whatever the
12 order he received he saw to it that its purpose was
13 accomplished.^c ITAGAKI knew him well enough to give
14 him a previous warning. Even that warning did not
15 prevent him from taking such rash actions, as KUWASHIMA
16 characterized them.^d

18 BB-21. KUWASHIMA's testimony for the defense
19 that his reports about the activities of DOHIHARA might
20 be based on rumors is totally incredible for he ad-
21 mitted in his own affidavit that he had personally
22 sifted information from whatever source and drawn his

23 (BB-20. a. Ex. 2190, T. 15728
24 b. Ex. 294, T. 4379-80
25 c. Ex. 2190, T. 15729
d. Ex. 300, T. 4395, 4397)

a.
own conclusions. When asked during cross-examination
1 whether or not the contents of his various reports
2 correctly stated the activities of DOHIHARA through
3 his personal contact or the contact of the consular
4 staff with DOHIHARA, he admitted that there was no
5 reason to doubt the accuracy and that he had nothing
6 further to answer. b.

7 BB-22. DOHIHARA introduced in evidence the
8 record of his interview with the Lytton Commission
9 to show that his trip to Tientsin in November 1931
10 had nothing to do with Pu-Yi's acceptance or his going
11 to Manchuria. a.
12 This is contradictory to his own state-
13 ment in his interrogation that the specific purpose
14 for sending him to Tientsin was to contact Pu-Yi. b. He
15 was well aware of the illegal consequences of his mis-
16 sion for he admitted in his interrogation that he knew
17 what the Nine Power Treaty was and knew that it guar-
18 anteed the sovereignty of China when he was sent to
19 contact Pu-Yi. Further, he knew when the Kwantung
20 Army was planning to set up an independent state, it
21 was going to violate the Nine Power Treaty. c. But he
22 explained that at the time Japan had made some

23 (BB-21. a. Ex. 3179, T. 28650
24 b. T. 28665-66)

25 (BB-22. a. Ex. 3180-A, T. 28669
b. Ex. 2190-A, T. 15726
c. Ex. 2190-A, T. 15729-30)

d.
proclamation about her attitude toward the Treaty.

1 If there were any such proclamation at that time, it
2 was only the assurance given by Premier INUKAI to
3 Ambassador Forbes in the latter part of December 1931
4 that Japan would never impair Chinese sovereignty in
5 Manchuria, but was presently protecting her nationals
6 in that territory.^{e.} This explanation is, of course,
7 not a valid one under the circumstances.

8 BB-23. In the light of the evidence shown
9 above, it is impossible to dispel the conclusion that
10 DOHIHARA had deliberately carried out the plot of ab-
11 ducting Pu-Yi in order to perfect his job of adding
12 the desired puppet to the scene of "Manchurian Inde-
13 pendence."
14

15 V. DOHIHARA's Undercover Activities in the
16 Tientsin Incident.

17 BB-24. While the movements of Pu-Yi in con-
18 sequence of DOHIHARA's presence in North China were
19 being closely watched, the significance of the riots
20 in Tientsin on November 8 and 26, engineered by
21 DOHIHARA pursuant to the strategical plan of the Kwan-
22 tung Army, should not be overlooked. Consequently,
23 they deserve separate mention.

24 BB-25. Previously, the presence of Chinese
25 (BB-22. d. Ex. 2190-A, T. 15730
e. Ex. 191, T. 2254)

troops in the southwestern part of the Liaoning Province, very close to the foremost Japanese outposts, had caused some anxiety among the Japanese military authorities. The outbreaks at Tientsin immediately afforded the staff officers of the Kwantung Army a pretext for suggesting a plan to dispatch troops by land to reinforce the Japanese Garrison at Tientsin thereby enabling the advancing Japanese force to dispose en route of the Chinese troops around Chinchow.^{a.} To accomplish this object, DOHIHARA's machinations for riots well fitted into the plan of the Kwantung Army.

BB-26. According to the testimony of ITAGAKI, the assignment given to DOHIHARA consisted of collecting information and intelligence in the Tientsin-Peiping area and ascertaining the desire of Pu-Yi to return to Manchuria.^{a.} He went on to explain that at the time there were troops of Chang Hsueh-Liang still left north of the Great Wall and it was highly necessary to ascertain the true situation there, inasmuch as there was a possibility that these troops might withdraw within the Great Wall.^{b.} He further explained that there would be the possibility or danger of some

(BB-25. a. Ex. 57, pp. 76-6)

(BB-26. a. T. 30379-80
b. T. 30379)

c.
confusion as a result of troop withdrawal.

1 BB-27. All this explanatory account of
2 DOHIHARA's assignment clearly indicates the relation
3 between the situation in the Tientsin-Peiping area and
4 the presence of Chinese troops around Chinchow, the
5 latter being a sting which the Kwantung Army was anxious
6 to remove. Had there existed any real danger in the
7 Tientsin-Peiping area, it would be for the Japanese
8 garrison at Tientsin, which was under a different com-
9 mand, to call for reinforcements, and it was no occasion
10 for the Kwantung Army to send a man like DOHIHARA to
11 ascertain the situation there. As Chinchow is situated
12 between the areas occupied by Japanese troops and the
13 Tientsin-Peiping area, the disturbances in the latter
14 area, where there were some Japanese population, gave
15 the Kwantung Army a pretext to push towards the Great
16 Wall and thereby to remove the sting of Chinese troops
17 around Chinchow. DOHIHARA was the one who worked out
18 the situation that served as the signal call for the
19 movements of the Kwantung Army.
20

21 BB-28. A secret investigation of the Tientsin
22 Incident made by the Japanese Consulate-General at
23 Tientsin revealed that DOHIHARA contacted and persuaded
24 Chang Pi, connected with the Peace Preservation Corps,
25 (BB-26. c. T. 30382)

and Li Chi-Chun, connected with the Tsin-Pang Secret
 1 Society, and rogues in the city and others to bribe the
 2 Peace Preservation Corps, the "plain clothes" organiza-
 3 tion and the troops.^{a.} He supplied them with 50,000
 4 taels as working funds and provided Li with armaments,
 5 and the riot was to start at 10 p.m. on November 8.^{b.}
 6 When the Chinese Bureau of Public Safety received infor-
 7 mation about the plot, they kept strict surveillance
 8 on the Peace Preservation Corps, and the riot ended in
 9 a complete failure, despite the activities of the plain
 10 clothes organization.^{c.}
 11

12 BB-29. The story told above of the riot which
 13 occurred on November 8 confirms the account given by
 14 the Municipal Government of Tientsin to the Lytton Com-
 15 mission.^{a.} Consul-General KUWASHIMA in his report to
 16 SHIDEHARA further stated that there were unmistakable
 17 proofs that DOHIHARA had the various factions afore-
 18 mentioned participate in all of the riots plotted.^{b.}
 19

20 BB-30. Goette testified that while DOHIHARA
 21 was in North China in the early days of November 1931,
 22 the fear among the Chinese officials that the Japanese
 23 operation might spread to North China was enhanced.^{a.}

24 (BB-28. a. Ex. 300, T. 4395 (BB-30. a. T. 3729)
 25 b. Ex. 300, T. 4395-6
 c. Ex. 300, T. 4396)

(BB-29. a. Ex. 57, p. 76
 b. Ex. 300, T. 4396)

He also gave an account of his visit to Tientsin

1 where he and Captain Brown, the U.S. Assistant Naval
2 Attache, saw bodies of dead Chinese soldiers and police-
3 men in the streets and property damage from shelling.^{b.}

4 When asked who were fighting the Chinese troops and
5 where they came from, he stated that in the party es-
6 corting him and Captain Brown were Chinese police and
7 army officials who themselves had seen Chinese dressed
8 in plain clothes emerging from the Japanese Concession
9 of Tientsin to fire upon Chinese police and military
10 posts.^{c.}
11

12 BB-31. After Pu-Yi's departure from Tientsin,
13 LOHIHARA remained there until the end of November.^{a.}

14 As feared by KUWASHIMA,^{b.} he caused a second riot to
15 occur on November 26. In the evening, a terrific ex-
16 plosion was heard immediately followed by firing of
17 cannon, machine guns and rifles, while plain-clothes
18 men emerged from the Japanese Concession to attack the
19 police stations in the vicinity.^{c.} Using this as a
20 pretext, the Kwantung Army sent troops across the Liao
21 River on November 27 and bombed Chinchow, but news of
22 the improved situation at Tientsin made the Japanese
23

(BB-30. b. T. 3731

c. T. 3732)

(BB-31. a. Ex. 3180-A, p. 5

b. Ex. 300, T. 4397

c. Ex. 57, p. 76)

d.
abandon their plan.

1 BB-32. It is therefore quite clear that the
2 Tientsin riot served a double purpose. From the point
3 of view of strategy, it served as a pretext for mili-
4 tary movements to remove the Chinese troops around Chin-
5 chow. Such a plot was liable to create disturbances
6 which afforded a convenient escape for the ex-Emperor
7 Pu-Yi to Manchuria and no one can deny the significance
8 of it from a political point of view. For both of
9 these purposes DOHIHARA has been unmistakably proved
10 to be the man who engineered the project and had it
11 carried out.
12

13 BB-33. As SHIDEHARA testified that he supplied
14 the then War Minister MINAMI with copies of all the con-
15 sular telegrams including those from KUWASHIMA,^{a.}
16 MINAMI's previous statement that DOHIHARA's presence
17 in Tientsin at the time of the occurrence of the riot
18 was purely accidental^b can be given no credence. ITAGAKI
19 also attempted to deny the accusation against DOHIHARA
20 that money and arms were used by DOHIHARA to bribe the
21 Chinese Peace Preservation Corps at Tientsin.^{c.} But
22 ITAGAKI, being an accomplice in the same project, the
23 (BB-31. d. Ex. 57, pp. 76-77)
24

25 (BB-33. a. T. 33596-7
b. T. 19909
c. T. 30328)

prosecution respectfully submits that his denial cannot
1 in any way affect the credibility of KUWASHIMA's report
2 which was based on a secret investigation and was sup-
3 ported by "unmistakable proofs."

4 VI. DOHIHARA's Activities in North Manchuria.

5 BB-34. While a puppet in the person of Pu-Yi
6 was being sought for the formation of a new state, the
7 rest of Manchuria was gradually occupied. On 26 Jan-
8 uary 1932, DOHIHARA was again sent out to take over the
9 office of Japanese Special Service at Harbin.^{a.} Al-
10 though by that time the Nonni Bridge operations had
11 been over and Tsitsihar taken by the Japanese, General
12 Ma Chan-Shan, Commander of the Chinese troops, was
13 still holding out with his administrative offices of
14 the provincial government removed to Hailun.^{b.}

16 BB-35. It was at this point, as testified by
17 Powell, that DOHIHARA who had been active in Chinese
18 political affairs in Manchuria and elsewhere in China
19 for many years, entered the picture in North Manchuria.^{a.}
20 As a result of negotiations with DOHIHARA, General Ma
21 accepted the position of Minister of War in the puppet
22 government.^{b.} The negotiations leading to the developments

23 (BB-34. a. Ex. 57, p. 79
24 b. Ex. 57, pp. 74, 75)

25 (BB-35. a. T. 3231
b. T. 3232)

1 were conducted from DOHIHARA's office at Harbin and
2 General Ma was bribed with a million dollars in gold
3 bars.^{c.}

4 BB-36. The witness had interviewed General
5 Ma on two occasions and further learned of the details
6 of the negotiations from a lengthy circular telegram
7 to Generalissimo Chiang Kai-Shek sent by Ma from the
8 Russian town of Blagovestchensk in which Ma explained
9 how he had taken advantage of this delay and the dis-
10 cussions with DOHIHARA to move his troops up to the bor-
11 der town of Aigan, and had succeeded in getting them
12 across the river into Russian territory, from which
13 they were sent west and returned to China.^{a.} Despite
14 Ma's success in saving the strength of his troops,
15 DOHIHARA had also won another distinction in solving
16 strategic problems by sinister dealings and in procur-
17 ing another formidable figure for the forthcoming new
18 government.

19 BB-37. With the establishment of the puppet
20 state of "Manchukuo," virtually placing the whole of
21 Manchuria under Japanese control, DOHIHARA was promoted
22 to Major General on 11 April 1932.^{a.}

23 (BB-35. c. T. 3232, 3234)

24 (BB-36. a. T. 3230)

25 (BB-37. a. Ex. 104, T. 695)

VII. DOHIHARA's Control of Opium Traffic.

1 BB-38. After 18 September 1931, many opium
2 shops were opened in Mukden by the Japanese.^{a.} DOHIHARA
3 was then mayor of the city.^{b.} On 13 October 1931 Consul-
4 General HAYASHI at Mukden reported to Foreign Minister
5 SHIDEHARA that according to reliable sources the Muni-
6 cipal Administrative Office planned the monopolization
7 of opium and the issuing of lottery tickets for the
8 purpose of raising funds. The report also added that
9 the monopolization of opium and the issuing of lottery
10 tickets were the materialization of a part of the plans
11 of the army.^{c.}

13 BB-39. Prior to the setting up of the Opium
14 Control Board in 1935, the Mukden Special Service Or-
15 gan headed by DOHIHARA was in control of opium traffic
16 in southern Manchuria.^{a.} Except for a short time when
17 another person was in charge of the Organ, DOHIHARA
18 remained the head right down to the time when the con-
19 trol was transferred.^{b.} In an attempt to whitewash
20 DOHIHARA, MINAMI testified that DOHIHARA had nothing
21 to do with problems such as opium.^{c.} When asked whether
22 the Special Service Department had anything to do with
23 (BB-38. a. Ex. 377, T. 4691
24 b. Ex. 57, p. 88
25 c. Ex. 3740, T. 37340-1)
(BB-39. a. T. 15856-7
b. T. 15857
c. T. 19975)

1 opium, he answered that he did not know.^{d.} However,
2 after further questioning he practically reversed
3 his former statements by admitting that one of the
4 reasons for abolishing the Special Service Department
5 might have been, as he put it, that they were running
6 the opium traffic for their personal benefit.^{e.}

7 BB-40. Defense witness AIZAWA also denied
8 that the Special Service Organ had anything to do with
9 opium,^{a.} but he was only a civilian employee and had
10 testified at the very beginning that he could not answer
11 the question as to what the original duties of the organ
12 were, and that he had no personal knowledge of the or-
13 ders of the Kwantung Army Commander.^{b.} Again, his
14 reference as to the work of the organ in relation to
15 the supervision and guidance of Japanese employees of
16 the Manchukuo Government^{c.} clearly indicates that the
17 activities of the organ far exceeded the mere collec-
18 tion of information and issuance of press releases, as
19 stated in a previous paragraph of his affidavit.^{d.}

20 The testimony of a former employee as compared with the
21 positive evidence given by TANAKA and MINAMI will
22 naturally receive little credence, not to speak of the
23

24 (BB-39. d. T. 19976

e. T. 19976)

25 (BB-40. a. T. 28606

b. T. 28604

c. T. 28606

d. T. 28604)

1 inconsistency in the whole of his affidavit.

2 VIII. DOHIHARA's Endeavor in Setting up

3 Inner Mongolia Autonomy

4 BB-41. Japan had completed the occupation
5 of Manchuria in the spring of 1933, when the Tangku
6 Truce was signed,^{a.} but she was not satisfied with Man-
7 churia alone and DOHIHARA was again given active duties
8 to pave the way for further aggression.

9 BB-42. Early in 1935, MINAMI deemed it proper
10 to enlarge the scope of the Tangku Truce and sent
11 DOHIHARA to negotiate with the Chinese Authorities in
12 Chahar Province.^{a.} Chahar is a part of what is commonly
13 known as Inner Mongolia. Because DOHIHARA was in charge
14 of information in that area and because he was con-
15 sidered best suited for negotiating with the Chinese,
16 DOHIHARA was given the assignment.^{b.}

17 BB-43. In June of the same year, an inci-
18 dent occurred in Chang Pei district where four Japan-
19 ese army officers entering the district without the
20 required permits from the Chahar Provincial Government
21 were taken to the Headquarters of the Chinese Division
22 Commander, but they were soon released with a warning

23 (BB-41. a. T. 2023-4)

24 (BB-42. a. T. 20755
25 b. T. 20755)

a.
that this should not be taken as a precedent.

1 BB-44. After that, HASHIMOTO, the Japanese
2 consul at Kalgan, protested to the Chinese authorities
3 alleging that those Japanese officers had been insulted
4 and demanding that the responsible officers be punished.^{a.}
5 After General Chang had several talks with HASHIMOTO,
6 the latter suddenly announced that the situation was
7 grave and the matter was referred to DOHIMARA.^{b.} The
8 result of the negotiations, commonly known as the
9 "Ching-DOHIMARA Agreement" was that: (a) the units of
10 the 29th army be withdrawn from certain districts
11 north of Chang Pei, (b) the Chinese thereafter refrain
12 from migrating to and settling in the northern part of
13 Chahar Province, (c) the Kuomintang Party activities
14 be withdrawn from Chahar Province and (d) anti-Japanese
15 institutions and acts be banned.^{c.} Thus, the demili-
16 tarized zone created by the Tangku Truce was extended
17 to a part of Chahar.^{d.}

19 BB-45. DOHIMARA's work in Inner Mongolia did
20 not stop there. According to the report of October 2,
21 1935, by WAKATSUKI, Secretary General of the Japanese
22 Embassy in Peiping, to the accused HIROTA, the then
23

(BB-43. a. T. 2311)

24 (BB-44. a. T. 2312

b. T. 2312

25 c. T. 2312

d. T. 20756)

1 Foreign Minister, DOHIHARA made a trip a few days
2 before from Changkiakow (Kalgan) to Chengteh and back
3 and saw the Governor of Chahar Province and Prince Teh.
4 His mission was to promote Inner Mongolia Self-
5 Government.^{a.} In November 1935, under an agreement
6 between DOHIHARA and the Hopei-Chahar Regime, it was
7 agreed that Chahar would be under the control of
8 Prince Teh, who had previously promised close coopera-
9 tion with the accused MINAMI, the then Commander-in-
10 Chief of the Kwantung Army.^{b.}

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21 (BB-45. a. Ex. 197, Cable No. 2, T. 2284
22 b. T. 2041)
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IX. DOHIHARA's Role in the Conspiracy to
Estrange North China.

BB-46. DOHIHARA and his co-conspirators now directed their attention to North China, attempting to have Hopei and Chahar and other parts of North China under Japanese domination.^{a.} They indulged in persistent conspiracy to oust the political power of the Chinese National Government and utilized every chance to put up difficulties against the Chinese Government. They openly declared that the political structure in North China did not satisfy the wishes of the Japanese.^{b.}

BB-47. The purpose of creating the autonomous regime in North China was to separate the five northern provinces from the Nanking Government and to bring the area into close relationship with Manchuria under Japanese leadership.^{a.} In September 1935, DOHIHARA went to Peiping on MINAMI's order to exert his efforts on behalf of the autonomous movement with the intentions of the Kwantung Army and the Japanese Army in North China in mind.^{b.} Since then DOHIHARA had repeatedly instigated the North China authorities headed by General Sung Cheh-Yuan to form a North China

(BB-46. a. Ex. 210, T. 2701 (BB-47. a. T. 2026-27
b. Ex. 210, T. 2702) b. T. 2028)

Autonomous Government separate from the Central Government.^{c.}

The inducements were that Sung would be leader of the North China Autonomous Government and the Japanese would extend every possible economic and military aid, but General Sung stood firm.^{d.}

BB-48. When inducements failed to bring about the desired result, DOHIHARA resorted to stronger measures. On the political level he demanded:

(a) Announcement of the establishment of the North China Autonomous Government by circular telegrams;

(b) Withdrawal of the Central Government's personnel in charge of publicity; (c) Control of public opinion in Peiping and Tientsin and ban on opposition to autonomy.^{a.}

In the economic field, he demanded:

(a) Construction of a railway between Tientsin and Shi-chia-chuan; (b) Revision of Tientsin customs tariffs in favor of Japanese goods and against European and American goods.^{b.}

BB-49. During these negotiations DOHIHARA had a dual role. He was representing both the Kwantung Army and the Japanese Garrison in Tientsin.^{a.} Although the Chinese authorities had refused the demands, they were feeling very badly the oppression of DOHIHARA.^{b.}

(BB-47. c. T. 2314
d. T. 2314-5)
(BB-48. a. T. 2315-6
b. T. 2316)

(BB-49. a. T. 2443
b. T. 2316, 2368)

1 BB-50. At this juncture the Japanese were
2 bringing more pressure upon General Sung. In November
3 1935, motor cars sped down the main streets of Peiping
4 throwing out hand bills containing an alleged appeal
5 for autonomous rule from the people for the five
6 northern provinces of Suiyan, Chahar, Hopei, Shantung
7 and Honan with some 600,000 square miles of territory
8 and a population of 170,000,000.^{a.}

9 BB-51. On 19 November 1935, DOHIHARA announced
10 that if autonomy for North China was not proclaimed,
11 he was prepared to send five Japanese divisions into
12 Hopei and six into Shantung and he fixed an ultimatum
13 to expire at noon the next day, November 20. Defense
14 witness KUWASHIMA, when confronted with Japanese
15 embassy press telegrams from England and China and
16 newspaper cuttings from abroad which were kept by his
17 East Asia Bureau of the Foreign Office,^{a.} had to admit
18 that these reports about DOHIHARA's demands and intimi-
19 dation concerning North China autonomy were seen by
20 his Bureau and reported to the Foreign Minister HIROTA
21 or Vice Minister SHIGEMITSU.^{b.} Upon further questioning
22 he admitted also that DOHIHARA's ultimatum to the North
23 (BB-50. a. T. 3750-51)

24 (BB-51. a. Ex. 3232, T. 29539-40; Ex. 3232-A
25 T. 29542; T. 29540-1
b. T. 29543)

1 China authorities concerning the proclamation of
2 autonomous rule was one of the ultimatums to which
3 he had referred in his affidavit.^{c.}

4 BB-52. To back up DOHIHARA's intimidation,
5 MINAMI, the Commander-in-Chief of the Kwantung Army,
6 actually issued on November 12 the mobilization
7 order to his troops to be prepared by November 15 for
8 advancing into North China;^{a.} and on November 16 he
9 even mobilized the air force to make preparations by
10 November 20 for advancing towards the Peiping-Tientsin
11 area.^{b.} Although MINAMI had previously characterized
12 it as completely false,^{c.} ITAGAKI, the then Vice-Chief
13 of Staff of the Kwantung Army had to admit the fact
14 when the mobilization orders were introduced in
15 evidence.^{d.}

16 BB-53. As a result of the efforts made by
17 DOHIHARA, two regimes in North China came into being.
18 One was the East Hopei Anti-Communist Autonomous
19 Government with Ying Ju-keng at the head, which was
20 completely separated from the Nanking Government; the
21 other was the Hopei-Chahar regime with Sung Che-yuan
22 as leader which was not completely separated from the
23

24 (BB-51. c. T. 29489, T. 29545)

(BB-52. c. Ex. 3317-A, T. 30392.

25 b. Ex. 3318-A, T. 30394

c. T. 19996

d. T. 30392-4)

Nanking Government but stood for collaboration with
 a.
 Japan.

BB-54. The East Hopei Anti-Communist Auton-
 omous Government took over 22 districts in the de-
 militarized area covering 10,000 square miles, a. which
 were alleged to be within the geographical scope of
 the assignment and duty of the Japanese troops. b. This
 new puppet regime became the center of dope and
 commodity smuggling. c.

BB-55. DOHIHARA later reported to MINAMI
 that the Hopei-Chahar Regime and the East Hopei Regime,
 though unsatisfactory, had been established and would
 more or less obey the demands of the Kwantung Army and
 that the North China Regime would be established with
 the Hopei-Chahar Regime as its core. c. DOHIHARA made
 this report to MINAMI in the presence of witness TANAKA,
 Ryukichi, who had drafted MINAMI's order to DOHIHARA. b.
 MINAMI admitted that he heard of the formation of the
 Hopei-Chahar Regime from DOHIHARA. c.

BB-56. On 7 March 1936, DOHIHARA was pro-
 moted to lieutenant general by the Japanese Government
 in recognition of his services rendered to Japan in

(BB-53. a. T. 2029-31;	(BB-55. a. T. 2036
Ex. 211, T. 2704)	b. T. 2124
(BB-54. a. Ex. 210, T. 2703,	c. T. 19994-5)
T. 3753.	
b. T. 20666	
c. T. 3754)	

Inner Mongolia and North China.^{a.}

X. DOHIHARA's Activities after the Marco Polo Bridge Incident.

BB-57. In March 1937, DOHIHARA became Com-^{a.}
mander of the 14th Division at Utsunomiya in Japan.
After the outbreak of hostilities at the Marco Polo
Bridge on 7 July 1937, he returned to China with his
14th Division and participated in the Peiping-Hankow
Drive.^{b.} During the campaign in December, 1937,

he permitted the Japanese gendarmes, Sub-corps, under
the command of a warrant officer, YAMAMOTO, Mankichi,
stationed at Hsin Tei District, on the Peiping-Hankow
Railway, to bayonet seven Chinese civilians to death
after three days of starvation and torture.^{c.}

BB-58. He tried to prove, through his
witnesses YAZAKI, WATASE, and SAKURAI that he was
opposed to the war against China and that he loved,
and was loved by the Chinese.^{a.} But the evidence
shows that he was the man who paved the way for
Japanese aggression and mere mention of his name is
enough to make the people in China turn pale.^{b.}

BB-59. His success as a commander in the
(BB-56. a. Ex. 104, T. 696) (BB-58. a. T. 28680, 28692,
28704.
(BB-57. a. Ex. 2190A, T. 15715 b. Ex. 3177a,
b. Ex. 2190a, T. 15715 T. 28618-9)
c. Ex. 348, T. 4646)

1 field was apparently not as brilliant as an instigator
 2 of political disturbances. From 18 June 1938 to 19 May
 3 1939 he was attached to the General Staff,^{a.} but in
 4 August 1938 he was once more sent to China to carry
 5 out an important assignment. Earlier, on 8 July 1938,
 6 the Five Ministers Conference decided to bring about
 7 the downfall of the Chinese National Government by
 8 recruiting anti-Chiang Kai-shek elements and other
 9 persons of first rank for the purpose of establishing
 10 a puppet government in China.^{b.} In a subsequent meet-
 11 ing of the Five Ministers Conference held 26 July
 12 1938, a Special Commission on Chinese Affairs was
 13 created to work out important political and economic
 14 strategems against China, and DOHIHARA was chosen as
 15 the number-one man of three leaders for this group.^{c.}
 16 To DOHIHARA the job of hunting for a puppet leader
 17 was his favorite sport. He immediately started work
 18 on the Tang Shao-yi and Wu-Pei-fu.^{d.} This was commonly
 19 referred to as the Wu project for which appropriations
 20 were made by the Ko-A-In or China Affairs Board.^{e.}
 21 The expenses required for the Wu project were to be
 22 paid from the surplus of the maritime customs in oc-
 23 cupied China, and the total amount was not to exceed
 24

(BB-59. a. Ex. 104, T. 697
 b. Ex. 3457, T. 37356
 c. Ex. 3457, T. 37361-2

d. Ex. 2190A, T. 15716
 e. Ex. 3608A, T. 35281)

10 million yuan.^{f.} In utilizing the surplus funds of
 1 the Chinese customs revenue, Japanese names were used
 2 to maintain secrecy,^{g.} His plan failed as a result
 3 of the flat refusal of Wu-Pei-fu.^{h.} Reports to the
 4 Foreign and War Ministries on negotiations with Wang
 5 Ching-wei and other puppet Chinese leaders were all
 6 sent in the name of the DOHIHARA Kikan (Agency) at
 7 Shanghai.^{i.}

8
 9 BB-59a. Defense witness UGAKI, in an attempt
 10 to weaken the evidential value of Exhibit No. 3457
 11 which embodies the decisions of the Five Ministers Con-
 12 ference above mentioned, hinted that such documents
 13 as contain decisions of the Conference are not true
 14 originals unless they bear his signature.^{a.} It is
 15 to be pointed out that the prosecution does not contend
 16 the document is an original copy. It is sufficient
 17 to show that the document is part of the official
 18 archives and files of the Foreign Ministry as per
 19 attached certificate. Time and again documents con-
 20 taining decisions of the Five Ministers Conference
 21 have been introduced without meeting defense objections.^{b.}
 22 No question has been raised as to their accuracy.

23
 24 (BB-59. f. Ex. 3743, T. 37393-5 (BB-59a. a. T. 38811
 g. Ex. 3744, T. 37397 b. T. 2727;
 25 h. Ex. 2190A, T. 15716 T. 6731;
 i. T. 24101-9; T. 30111; T. 9549)
 Lx. 3302, T. 30115)

BB-59b. UGAKI denied in his testimony the substance of the decisions regarding the establishment of the Special Commission on Chinese Affairs.^{a.} Apparently he based his denial on the reasoning that the Five Ministers Conference was not a legislative organ and therefore no such executive organ could have been created under its jurisdiction.^{b.} When asked whether some of the decisions, covering the ones which dispatched DOHIHARA to China under the Special Commission, had been submitted to and adopted by the cabinet meeting of 16 August 1938, the 81 year-old witness chose to tell the Court that he had no recollection of such, instead of refuting them as he did before.^{c.} It is also to be recalled that defense witness KAGESA, who was sent to China on a similar mission of contacting prominent Chinese for the formation of a new regime, testified that he was given the mission after a meeting of the Five Ministers Conference.^{d.} The prosecution further submits that as long as DOHIHARA himself^{e.} and ITAGAKI^{f.} who was War Minister at the time both admitted the trip made by DOHIHARA on a mission of such nature, it is immaterial upon whose

(BB-59b. a. T. 38813

b. T. 38813

c. T. 38829

d. T. 23982-3

e. Ex. 2190A, T. 15716

f. T. 30307)

1 authority he went, although the fact that he was sent
2 under the Special Commission created by the Five
3 Ministers Conference has been fully established.

4 BB-60. In May 1939, DOHIHARA was appointed
5 Commander-in-Chief of the 5th Army in Taonan, Manchuria.
6 When stationed at the border area of the East Manchuria,
7 the machine gun units, mortar units and other units
8 under his command were dispatched to the Nomanhan area
9 and took part in the battles against the Soviet and
10 Mongolian troops.
b.

11 BB-61. In June 1940, DOHIHARA was a member
12 of the Supreme War Council. On 18 April 1940 he was
13 decorated with the Second Class of the Golden Kite for
14 meritorious service in the China Incident.
c.

15 BB-62. On 29 April 1941, DOHIHARA was pro-
16 moted to full general and on 6 September 1941, was
17 assigned as Chief of Air Inspectorate General.
a.

18 THE PRESIDENT: We will recess for fifteen
19 minutes.

20 (Whereupon, at 1445, a recess was
21 taken until 1500, after which the proceedings
22 were resumed as follows:)

23 (BB-60. a. Ex. 104, T. 697 (BB-61. a. Ex. 104, T. 697-8)
24 b. Ex. 834, T. 8094-8102;
25 Ex. 2190A, T. 15716) (BB-62. a. Ex. 104, T. 698)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Judge. Nyi.

4 JUDGE NYI: (Reading)

5 XI. DOHIHARA's Contribution to the Tripartite
6 Pact.

7 BB-63. DOHIHARA was considered by Germany as
8 a man belonging to the immediate group surrounding
9 TOJO.^a He was recommended for the German Grand Cross
10 with the following citation: "By constant close and
11 friendly cooperation, with the air attache, he has in
12 a leading position, contributed, in the true sense of
13 the Tripartite Pact, to the extension and deepening of
14 the military alliance."
15

16 BB-64. On 1 October 1942, he received the
17 Grand Cross of German Eagle from Hitler at the German
18 Embassy in Tokyo, on which occasion Ambassador Ott
19 stated: "We acknowledge your merits in having by your
20 efforts won glorious victories in the joint execution
21 of the War."^a

22 XII. DOHIHARA's Part in the Pacific War.

23 BB-65. When the Japanese staged the surprise
24 attack on Pearl Harbor and started the war of aggression
25 (BB-63. Ex. 1272, T. 11,352, T. 11,356-7.
BB-64. Ex. 2247, T. 16,180.)

1 against the United States, Britain, France, The Nether-
 2 lands, Thailand, etc., in December 1941, DOHIHARA was
 3 Chief of the Air Inspectorate General and concurrently
 4 Supreme War Councillor.^{a.} On 30 June 1941, he attended
 5 the meeting of the council, presided over by TOJO, in
 6 which candid views were exchanged regarding the fast-
 7 moving international situation and the attitude to be
 8 taken by Japan.^{b.}

9 BB-66. On 1 May 1943, he became Commanding
 10 General of the Eastern Area Army, which was apparently
 11 directed against the United States.^{a.} On 22 March 1944,
 12 he was appointed Commander of the Seventh Area Army
 13 at Singapore and retained this position until 7 April
 14 1945. This command embraced Malaya, Sumatra, Java and
 15 Borneo.^{b.} From 7 April to 25 August 1945, he was commander
 16 of the 12th Area Army embracing the area around Tokyo,
 17 concurrently holding the position of Commander of the
 18 East Area Army and Supreme War Councillor.^{c.}^{d.}

19 XIII. DOHIHARA's Responsibility for Maltreat-
 20 ment of POW.

21 BB-67. DOHIHARA as Commander of the Eastern

22 (BB-65. a. Ex. 104, T. 698.

23 b. Ex. 2246, T. 16,179.

24 BB-66. a. Ex. 104, T. 698.

25 b. Ex. 104, T. 698; Ex. 2282, T. 16,258;

Ex. 2190-A, T. 15,716.

c. Ex. 104, T. 698; Ex. 2282, T. 16,258.

d. Ex. 104, T. 698.)

Area Army in September and October 1943 had jurisdiction
 over POW camps located around Tokyo.^{a.} During that
 time some sixty prisoners died from starvation and ill-
 treatment at the Naoetsu Camp in Niigata Prefecture.^{b.}
 There is evidence of DOHIHARA's visit to the said camp,
 but the conditions of the camp were not improved after
 his visit.^{c.} From March 1944 to April 1945, while
 DOHIHARA was Commander of the Seventh Area Army at
 Singapore, there were many instances of mistreatment of
 war prisoners and civilian internees in Malaya, Sumatra,
 Java and Borneo.^{d.}

BB-68. FUHA, DOHIHARA's witness, testified
 that at no time was any prisoners of war camp located
 within the territorial jurisdiction of the 7th Area
 Army even under its control and that such camps were
 under the direct control of the Southern Army, which
 was a superior command to that of the 7th Army.^{a.}
 When the witness was reminded of Article 3 of the Ordinance of Prisoners of War Camps of 23 December 1941
 which reads: "Prisoner of War Camps shall be
 administered by a commander of an army or a commander

(BB-67. a. Ex. 2282, T. 16257-8.

b. T. 14,272-3.

c. T. 14,273-6.

d. Ex. 2282, T. 16258. T. 12883-91.

Ex. 1422, T. 12629, 36. Ex. 1703, T. 13604.

Ex. 1513, T. 12915-26. Ex. 1917, T. 14197-9.)

BB-68. a. T. 28,725.)

1 of a garrison under the general supervision of the
2 Ministry of War," he merely explained that this provi-
3 sion applied to prisoners of war camps in the Japanese
4 homeland, and as far as prisoners of war camps overseas
5 were concerned he believed it should be interpreted
6 that the commander of the Southern Army^{b.} was the army
7 commander referred to in Article 3.

8 BB-69. Not only was FUHA's interpretation
9 purely speculative, but the evidence adduced in a later
10 stage also proves the incorrectness of such interpre-
11 tation. AYABE, Kitsuju, ITAGAKI's witness, stated in
12 his affidavit that ITAGAKI, when transferred to Singapore
13 from Korea, endeavored to give the best treatment
14 possible to the war prisoners and there was marked
15 improvement in the camps.^{a.} While it is immaterial here
16 in the individual case of DOHIHARA whether the condi-
17 tions of the prisoners of war camps were changed for
18 better or for worse, the fact is now well established
19 that ITAGAKI, after taking over the command of the 7th
20 Army as successor to DOHIHARA, did assume an active
21 control over the POW camps under his jurisdiction.
22 Therefore, there is not the slightest tinge of truth
23 in the statement of FUHA.

24 (BB-68. b. T. 28,733.
25 BB-69. a. Ex. 3312, T. 30218.)

XIV. Conclusion.

1 BB-70. In conclusion it is respectfully sub-
2 mitted that the prosecution's charges against DOMIHARA
3 under:

4 Count 1 have been substantiated by facts supported by
5 the evidence summarized in headings I, II, III, IV, V,
6 VI, VII, VIII, IX, X, XI and XII;

7 Count 2 by headings I, II, III, IV, V, VI, and VII;

8 Count 3 by headings I, VIII, IX and X;

9 Counts 4-5 by headings XI and XII;

10 Count 6 by headings I, II, III, IV, V, VI, VII, VIII,
11 IX, X, XI and XII;

12 Counts 7-16 by headings XI and XII;

13 Count 17 by headings II, III, VI, X, XI and XII;

14 Count 18 by headings I, II, III, IV, V and VI;

15 Count 19 by headings I, VIII, IX and X;

16 Counts 20-24 by headings XI and XII;

17 Count 26 by heading X;

18 Count 27 by headings I, II, III, IV, V, VI and VII;

19 Count 28 by headings I, VIII, IX and X;

20 Counts 29-34 by headings XI and XII;

21 Count 36 by heading X;

22 Counts 37-43 by headings XI and XII;

23 Count 51 by heading X;

24 Counts 54-55 by heading XIII.

Your Honors, Colonel Woolworth will continue

for the prosecution.

1 THE PRESIDENT: Colonel Woolworth.

2 MR. WOOLWORTH: If the Tribunal please, the
3 prosecution submits the summation against HASHIMOTO,
4 Kingoro.

5 HASHIMOTO, Kingoro.

6 I. Charges against HASHIMOTO.

7 CC-1. In counts 1 through 5 HASHIMOTO is
8 charged with others in conspiring to wage wars of
9 aggression in violation of international law, treaties
10 and agreements with the object of obtaining for Japan
11 the military, naval, political and economic domination:

12 (a) Of East Asia, the Pacific and Indian
13 Oceans (Count 1).

14 (b) Of Liaoning, Kirin, Heilungkiang and
15 Jehol, parts of China (Count 2).

16 (c) The Republic of China (Count 3).

17 (d) East Asia and of the Pacific and Indian
18 Ocean and of all countries bordering thereon (Count 4).

19 (e) Of the world in conjunction with Germany
20 and Italy, but having domination in its own sphere
21 (Count 5).

22 CC-2. In counts 6 through 17 it is charged
23 that HASHIMOTO with others, between 1 January 1928 and
24
25

1 2 September 1945, planned and prepared a war or wars
2 of aggression in violation of international law,
3 treaties, and agreements:

4 (a) Against the Republic of China (Count 6).

5 (b) Against the United States of America
6 (Count 7).

7 (c) Against the United Kingdom and Northern
8 Ireland and all parts of the British Commonwealth of
9 Nations (Count 8).

10 (d) Against the Commonwealth of Australia
11 (Count 9).

12 (e) Against New Zealand (Count 10).

13 (f) Against Canada (Count 11).

14 (g) Against India (Count 12).

15 (h) Against the Commonwealth of the Philippines
16 (Count 13).

17 (i) Against the Kingdom of The Netherlands
18 (Count 14).

19 (j) Against the Republic of France (Count 15).

20 (k) Against the Kingdom of Thailand (Count 16).

21 (l) Against the U.S.S.R. (Count 17).

22 CC-3. In count 18, HASHIMOTO and others are
23 charged with initiating a war of aggression against
24 China, in violation of treaties, agreements, etc., on
25 or about 18 September 1931.

1 CC-4. In count 19, HASHIMOTO and others are
2 charged with initiating a war of aggression against China
3 in violation of treaties, agreements, etc., on or
4 about 7 July 1937.

5 CC-5. In counts 27 to 32, inclusive, and
6 count 34 HASHIMOTO and others are charged with waging a
7 war or wars of aggression in violation of international
8 law, treaties, agreements and assurances against:

9 (a) The Republic of China between 18 September
10 1937 and 2 September 1945 (Count 27).

11 (b) The Republic of China, between 7 July
12 1937 and 2 September 1945 (Count 28).

13 (c) The United States of America, between
14 7 December 1941 and 2 September 1945 (Count 29).

15 (d) The Commonwealth of the Philippines,
16 between 7 December 1941 and 2 September 1945 (Count 30).

17 (e) The British Commonwealth of Nations,
18 between 7 December 1941 and 2 September 1945 (Count 31).

19 (f) The Kingdom of The Netherlands, between
20 7 December 1941 and 2 September 1945 (Count 32).

21 (g) The Kingdom of Thailand, between 7 Decem-
22 ber 1941 and 2 September 1945 (Count 34).

23 CC-6. HASHIMOTO is charged with others as a
24 conspirator in formulating or executing a plan to permit
25 murder on a wholesale scale of POW on land and sea

between 18 September 1931 and 2 September 1945 (Count 44).

1 CC-7. HASHIMOTO is charged with others with
2 ordering or permitting an unlawful attack and the unlaw-
3 ful killing of thousands of civilians and disarmed
4 soldiers of The Republic of China:

5 (a) On 12 December 1937 at Nanking (Count 45).

6 (b) On 21 October 1938 at Canton (Count 46).

7 (c) On or about 27 October 1938 at Hankow
8 (Count 47).

9 CC-8. HASHIMOTO is charged with permitting
10 violations of laws and customs of war as to POW and
11 civilian internees in China from 18 September 1931 to
12 2 September 1945 (Count 53).

13 CC-9. HASHIMOTO is charged with ordering
14 violations of laws of war as to POW and civilian
15 internees in China from 18 September 1931 to 2 Septem-
16 ber 1945 (Count 54).

17 CC-10. HASHIMOTO is charged with deliberately
18 and recklessly disregarding his legal duty to secure
19 observance of the laws and customs of war as to POW and
20 civilians in the power of Japan between 18 September
21 1931 and 2 September 1945 in China (Count 55).

22 II. HASHIMOTO's Military Service.

23 CC-11. HASHIMOTO graduated from the Military
24 Academy in 1911 and was appointed 2nd lieutenant of
25

1 artillery. He served in the army continuously and
2 reached the grade of colonel in 1934. He was placed
3 on the reserve list in August 1936 and recalled to duty
4 in 1937. He then was placed on the reserve list in
5 March 1939, after which he performed no active duty.

6 CC-12. HASHIMOTO graduated from the Military
7 Staff College in 1917, served on the General Staff
8 in the War Office in 1921, and with the Kwantung Army
9 Headquarters in 1922, and again from 1923 to 1925.
10 From 1925 to 1927 he served with the General Staff
11 Office and War Office. From September 1927 through 1929
12 he served as Military Attache of the Japanese Embassy
13 in the Turkish Empire. From January 1930 to December
14 1931 he served on the General Staff War Office. From
15 1937 to 1939 he served as commander of the 13th Heavy
16 Field Artillery Division.

17 CC-13. He received several decorations --
18 among them one in 1934 in recognition of his services
19 during the disturbances from 1931 to 1934; another in
20 April 1940, when he received the 4th Class Order of the
21 Golden Kite in recognition of his services in the
22 China Disturbances.
23 a.

24 III. HASHIMOTO's Political Activities Prior
25 to the Manchurian Incident.

(CC-13. a. Ex. 105, T. 699.)

a. Views on the U.S.S.R., Manchurian and
1 Mongolian Problems.

2 CC-14. In April 1929, while HASHIMOTO was
3 Japanese Military Attache in Turkey, he attended a con-
4 ference held in Berlin of Japanese Military Attaches
5 in European countries which discussed items concerning
6 the U.S.S.R. At this conference conditions in the Soviet
7 were appraised, both present and future; the policy
8 Japan should adopt was discussed if any future change
9 took place in the U.S.S.R.; a study of sabotage measures
10 to be taken by various European countries was considered,
11 in case of war with the U.S.S.R.; a survey was presented
12 of the activities White Russians could engage in; and
13 views were exchanged on the effect on Soviet-European
14 relations if Japan should end friendly relations with
15 the U.S.S.R. HASHIMOTO suggested that Trotsky and
16 sixty of his associates who had arrived in Turkey might
17 be used for espionage, and that reports should be
18 bought from good spies whenever a "good spy" is found. a.

20 CC-15. In a secret report of 15 November
21 1929, HASHIMOTO recommended that the Caucasus should
22 be seized for operations against Russia. He suggested
23 to the Assistant Chief of the Army General Staff that
24 this could be brought about by making all races in
25 (CC-14. a. Ex. 732-A, T. 7658.)

the Caucasus confront each other and thus bring about
1 confusion in the area by instigating either the idea
2 of Greater Armenia, or an independent Georgia, or the
3 Mussulman movement, or the Partisan movement of the
4 mountaineers. He said that the idea of Greater Armenia
5 would be most promising as a fuse to give rise to such
6 a situation regardless of its success, as this would
7 result in great confusion breaking out because of oppo-
8 sition on the part of Georgia and Azerbaijan, and
9 Turkey.^{a.}

10 CC-16. In 1930, HASHIMOTO returned to Japan
11 after a three-year stay in Europe. On his homeward
12 voyage he pondered on how to reform Japan, because he
13 felt that Japan was the only country "within the whirl-
14 pool of world movement that stood within the bounds
15 of liberalism," and he considered that if she went on
16 under present conditions she would drop from the ranks
17 in the community of nations and fall. Therefore, on
18 his return to the General Staff Office, he "devised
19 several schemes to put" his ideas into execution, and
20 while he would not dare to say they were the only cause
21 of such results, the Manchurian Incident, secession from
22 the League of Nations, and renunciation of the disarmament
23 treaty took place successively, and within the
24
25 (CC-15. v. Ex. 734-A, T. 7647.)

country the May 15th Incident, Shimpei Tai Incident, and the February 26th Incident took place in succession. ^{a.}

CC-17. KIDO records in his diary on 7 August 1931 that HASHIMOTO and SHIGEFUJI backed a group of recent graduates from the Army Staff College in the study of Manchurian and Mongolian problems. ^{a.} These problems centered about the creation of a new regime, ^{b.} following the killing of Marshal Chang Tso-lin, by getting rid of the warlords in Manchuria and separating Manchuria from the Nanking government. ^{c.} In fact an investigation by MINE, then chief of the Tokyo MP unit, disclosed that the purpose of the killing of Chang Tso-lin was to create such new state under Japanese control. ^{d.} TANAKA, Ryukichi, testified that after Chang Hsueh-liang succeeded Chang Tso-lin the relations in Manchuria became extremely aggravated because Chang Hsueh-liang entered the Kuomintang and brought the Kuomintang flag into Manchuria. ^{e.} The Japanese army took a strong attitude in view of the great sacrifice Japan had made in that area since the Russo-Japanese war. ^{f.} and took the stand that armed force should be resorted to in driving out the Chinese forces and

(CC-16. a. Ex. 177, T. 1918-21.

CC-17. a. Ex. 179-A to 179-R, T. 1928.

b. T. 1943.

c. T. 1953.

d. Ex. 180, T. 1951.

e. T. 1958.

f. T. 1958.)

1 setting up a new regime under Japanese control.^{g.}

2 Strong advocates of this procedure were HASHIMOTO and
3 Captain CHO, Isamu.^{h.}

4 b. HASHIMOTO, an Organizer of the Sakura-Kai.

5 CC-18. The Sakura-Kai, was formally orga-
6 nized in the spring of 1931, the first meeting being
7 called by HASHIMOTO.^{a.} All branches of the military
8 establishments were active in this organization,
9 including the War Office, the General Staff, and offi-
10 cers from the Inspector General of Military Education.
11 They ranked from lieutenant colonels to majors. The
12 navy also had several officers active in its affairs.^{b.}
13 The purpose of the Sakura-Kai was twofold; one, to
14 carry out an internal revolution, or renovation, and,
15 second, to settle the Manchurian problem.^{c.} These
16 purposes dovetailed into the plans of the army which
17 desired a settlement of the Manchurian problem, bringing
18 Manchuria under Japanese control, and, if harmony and
19 cooperation could be realized,^{d.} to use this as a
20 basis for eventually freeing Asia from white domination
21 and bring about the "ideal of Asia for the Asiatics."^{e.}
22 Coupled with military action in Manchuria, the

24 (CC-17. g. T. 1959. h. T. 1960.
25 CC-18. a. T. 1961, Ex. 183, T. 2188.
b. T. 1962.
c. T. 1963.
d. T. 1986.
e. T. 1987.)

1 Sakura-Kai, the group led by HASHIMOTO, sought to oppose
2 the Japanese politicians and financiers who were
3 extremely weak in their attitude toward various prob-
4 lems, and bring about their downfall and realize the
5 "renovation of Japan."^{f.} Such renovation was to be car-
6 ried out by a "grand coup-d'etat," by overthrowing the
7 government and then setting up a new and renovated
8 government to cleanse politics and political adminis-
9 tration^{g.} as well as rally public opinion and efforts
10 of the people toward settlement of the Manchurian
11 problem.^{h.} That such plans were attempted is demonstrated
12 by the March and October Incidents, which will be
13 mentioned later.

14 (CC-18. f. T. 1982.
15 g. T. 1982.
16 h. T. 1983.)
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1 CC-19. HASHIMOTO, the Sakura-Kai leader, in
 2 August 1931 told FUJITA, a newspaper owner, that positive
 3 action should be taken in Manchuria,^{a.} and on 19
 4 September 1931 FUJITA saw HASHIMOTO and recalled say-
 5 ing to him, "I see you accomplished what you said
 6 should be done in Manchuria," or "At last you have
 7 done it, haven't you,"^{b.} to which HASHIMOTO replied,
 8 "Yes, things came to the pass where they should come."^{c.}

9 CC-20. Thus the purposes and objects of
 10 the Sakura-Kai were put to practical use in effecting
 11 one of its primary objects, namely, the solution of
 12 the Manchurian problem, and in this HASHIMOTO had a
 13 leading part. The interference in political matters
 14 or political activity by officers, although prohibited,^{a.}
 15 was flagrantly and openly espoused by HASHIMOTO and
 16 other army officers in the Sakura-Kai and in movements
 17 for renovation of the government and by their stimula-
 18 tion and direction of a military-political movement in
 19 Manchuria, which ultimately led to international
 20 condemnation of Japan by the League of Nations.^{b.}

21
 22 IV. HASHIMOTO's connection with the March,
 23 October and Manchurian Incidents.

24 a. The March Incident.

25 CC-19. a. T. 1464. c. T. 1466.
 b. T. 1465, 1474-5.
 CC-20. a. Ex. 157, T. 1402-03; b. Ex. 157, T. 1402-03.

1 CC-21. In connection with the March Incident,
2 which was a plan to seize control of the government,
3 OKAWA testified in the Tokyo Court of Appeals that it
4 was at the request of HASHIMOTO and Colonel SHIGETO
5 that he held his interview with UGAKI to learn his
6 views. The result of OKAWA's conference with UGAKI
7 was reported by HASHIMOTO and SHIGETO to Deputy Chief
8 of Staff MINOMIYA and TATEKAWA.^{a.} HASHIMOTO, in his
9 testimony named TATEKAWA, KOISO, MINOMIYA, SUGIYAMA,
10 OKAWA and himself as conspirators.^{b.}

11 C-22. To effect the plot, HASHIMOTO obtained
12 delivery of 300 bombs to SHIMIZU from the army^{a.} with
13 which to start a mass demonstration which would lead
14 to martial law and overthrow of the cabinet.^{b.}

15 b. The Manchurian Incident.

16 CC-23. In addition to what appears in
17 Part III of this summation, activities in preparation
18 for a solution of the Manchurian Incident, there is
19 evidence that HASHIMOTO admitted to TANAKA, Ryukichi,
20 in 1934 that he, HASHIMOTO, had assisted the Kwantung
21 Army, in accordance with a plan to have such an
22 incident. TANAKA testified that HASHIMOTO named him-
23 self and five others as conspirators and defined the
24

25 C-21. a. Ex. 2177, T. 15580-3; b. T. 28820.

C-22. a. Ex. 157, T. 1402-3; b. Ex. 157, T. 1402-3.

1 purpose to be the occupation of Manchuria, destruc-
2 tion of the influence of the war lords, and bringing
3 about economic development and army occupation.^{a.}

4 Captain CHO, another of the conspirators, in discussing
5 the matter with TANAKA also named HASHIMOTO as a co-
6 conspirator.^{b.}

7 c. The October Incident.

8 CC-24. As for the October Incident, which
9 was also a plan to seize control of the government,
10 HASHIMOTO admitted that he thought up the plan to
11 bring about a cabinet headed by ARAKI as a result of
12 a conversation with Captain CHO.^{a.} That HASHIMOTO
13 was involved in this plot is also confirmed by testi-
14 mony of OKADA in the Tokyo Court of Appeals where he
15 said that the aim of the October Incident was to crush
16 the WAKATSUKI Cabinet, which was dilly-dallying, and
17 to set up a new and powerful party capable of solving
18 important problems. OKAWA said he received his orders
19 from HASHIMOTO, and that others involved were SHIGETO,
20 ITAGAKI and DOIHARA.^{b.} TATEKAWA also told TANAKA
21 that HASHIMOTO, CHO, and OKAWA planned the October
22 Incident to overthrow the government in power and to
23 set up a new government which would support the
24 CC-23. a. T. 1968, 1978. b. T. 2014.
25 CC-24. a. Ex. 3195, T. 28975.
b. Ex. 2177-A, T. 15585-7.

1 Manchurian Incident.^{c.} This plan was to cleanse the
 2 ideological and political atmosphere of Japan and
 3 renovate Japanese politics by assassinating the
 4 leaders.^{d.} After the plot was discovered, HASHIMOTO
 5 and others were arrested,^{e.} and HASHIMOTO was subjected
 6 to heavy disciplinary confinement for 25 days and
 7 relegated to the HIMEJI Regiment.^{f.}

8 CC-25. Shelling of the Ladybird.

9 CC-26. On 11 December 1937, in the course of
 10 the blockade of China, a Japanese artillery unit under
 11 command of HASHIMOTO shelled the British vessel Lady-
 12 bird and took it into custody.^{a.} The lame excuse
 13 given before the Tribunal that it was barely dawn and
 14 that a heavy fog lay over the river^{c.} is inconsistent
 15 with Japan's acknowledgment of a wrongful act, as is
 16 shown by her payment of indemnity, and a disavowal of
 17 the incident by profuse apologies.^{d.}

18 V. HASHIMOTO's agitation for territorial
 19 expansion and creation of a Greater East Asia.

20 CC-27. In October 1936, after retirement,
 21 HASHIMOTO organized and was head of Dai Nippon
 22 Seinento,^{a.} one of its aims being the renovation and

23 CC-24. c. T. 2013. e. Ex. 3195, T. 28795.
 24 d. T. 1973. f. T. 19667.
 25 CC-26. a. Ex. 258, T. 3466-7.
 c. Ex. 2521, T. 21346-7.
 d. Ex. 2522; Ex. 2523, T. 21350.

CC-27. a. Ex. 2188, T. 15677.

b.
making young men the framework of the "New Japan."

1 The official organ of the Society was the Taiyo Dai
2 Nippon, which was published three times per month.^{c.}

3 In the January 1937 issue of the Taiyo Dai Nippon,
4 HASHIMOTO advocated the dissolution of political
5 parties and said that democratic government ignores
6 the "TENNO."^{d.}

7
8 CC-28. The following excerpt from an article
9 written by HASHIMOTO and published in Taiyo Dai Nippon
10 shows his activities from 1936 through 1941 in propa-
11 gandizing for expansion and war:

12 "How shall Japan be able to battle against
13 the Soviet Union without making an invincible air force
14 the mainstay of Japanese armament?"^{a.}

15 He wrote the following:

16 "It is a humiliation to have to talk with
17 England."

18 "Define England as the enemy."

19 "Our way is one: Expulsion of England!"

20 Arm the Axis!"

21 "The enemy that blocks our way to the south
22 is England."^{b.}

23 CC-27. b. Ex. 2185, T. 15648.

24 c. Ex. 3193, T. 28784, 15683.

d. Ex. 2185, T. 15649.

25 CC-28. a. Ex. 2185, T. 15651.

b. Ex. 2185, T. 15659-60.

Again he wrote: "If it had not been for the support of England, the Chiang Government would be already destroyed. It is clear that if we attack England, the incident will be brought to an end immediately. . . . We have no choice. Fight England!"^{c.} "Now our real opponents are England and the Soviet Union. When there is only one way ahead of us, why are we hesitating? What we need now is a war time cabinet with the highest authority."^{d.}

CC-29. HASHIMOTO was one of those who moulded the plan for Japanese aggression by expounding the theory that Japan must have territorial expansion north, south, east and west, where Japanese could freely develop their powers.^{a.} He demanded lands, new lands, to develop "the riches now lying idle."^{b.} He particularly mentioned the South Seas Islands and argued that the Netherlands had its hands full with Java, and had left Borneo, New Guinea and the Celebes almost untouched.^{c.} He gave the Netherlands a back-handed slap by saying that the actual power protecting the South Seas Islands was the British Empire,^{d.} and although Japan could not extol its past rule of Korea and Formosa, people under Japanese rule

CC-28. c. Ex. 2185, T. 15660; d. Ex. 2185, T. 15661.
 CC-29. a. Ex. 1290-A, T. 11692; b. T. 11691.
 c. T. 11692; d. T. 11893.

1 were fortunate compared to those "under the tyrannical
2 rule of the white men."^{e.}

3 CC-30. In 1939 he engaged in prolific
4 writings, all directed at stimulating aggressive war-
5 fare. He wrote that England was the enemy blocking
6 Japan's "way to the South,"^{c.} and he urged an attack
7 on England,^{b.} saying that Hongkong should be occu-
8 pied as well as the English concession in Shanghai.^{c.}
9 He urged the strengthening of the Tri-Partite Alliance^{d.}
10 and said Japan should attack the foreign concessions
11 in Tientsin "instantly."^{e.} He said England must be
12 expelled^{f.} and that it would be very "easy to beat
13 England";^{g.} that the time was opportune to start the
14 attack.^{h.} In January 1941, before a large audience
15 at Kyoto, he continued exhorting the Japanese to over-
16 throw England and America, saying that Japan should
17 advance southward and construct a Greater East Asia
18 under the Imperial Sphere as soon as possible.^{i.} On
19 30 January 1941 he published a work entitled "The
20 Second Creation," in which he proposed absolute war
21 preparations so as to enable Japan to crush, at any
22 time, countries which may interfere with Japan,^{j.}

23 CC-29. a. T. 15694.

24 CC-30. a. T. 15660; b. T. 15660; c. T. 15659;
25 c. T. 15660; e. T. 15660; f. T. 15659;
26 g. T. 15659; h. T. 15660; i. T. 15666;
27 j. T. 15672.

also he urged the expulsion of all British influence from China first and gradually to exclude British influence from the East Asiatic united zone.^{k.}

CC-31. As for Greater East Asia, HASHIMOTO took the view that this should include Japan, Manchukuo, China, the Soviet Far East, French Indo-China, Burma, Malay, the Dutch East Indies, India, Afghanistan, Australia, New Zealand, Hawaii, Philippines, and the islands of the Pacific Ocean and the Indian Ocean, all in the sphere of Japan's influence.^{a.}

CC-32. The plan HASHIMOTO suggested for Japan's influence to be made manifest was as follows: "Territories incorporated into Japan should be administered by Governors-General, while Japanese advisers should be appointed for independent states. Military and diplomatic affairs should be placed absolutely under Japanese guidance. Other matters also should be controlled by Japan."^{a.}

CC-33. In 1938 he dissolved the Dai Nippon Seinento and instantly established the Dai Nippon Sekiseikai, whose policies were:

(1) Restoration of the nation.

(2) Stronger armament for the defense and

CC-30. k. T. 15672.

CC-31. a. Ex. 675-A, T. 7349; 23377.

CC-32. a. Ex. 675-A, T. 12023.

liberation of the Asiatic nations.

- 1 (3) Asiatic autarchy.
- 2 (4) Attack Britain and her dominions.
- 3 (5) Imperialization of East Asia.
- 4 (6) Establishment of a state union in Asia. a.

5 CC-34. He was a leader and permanent director
6 of the Imperial Rule Assistance Association and was
7 responsible for the publication of Taiyo Dai Nippon. a.

8 CC-35. HASHIMOTO perjured himself when
9 questioned by one of the prosecutors prior to trial. a.

10 CC-36. It is apparent that in the critical
11 years between 1936 and 1941 HASHIMOTO was urging the
12 use of force to destroy the status quo; recommended
13 resort to force to create for Japan more territory
14 (similar to Hitler's seizure of so-called "Lebensraum"),
15 and stimulated lawless and aggressive prosecution by
16 force of Japan's desire for world leadership. His
17 pronouncements were inflammatory and willfully calcu-
18 lated to arouse the fighting spirit of those who read
19 or listened. The demands made by HASHIMOTO were in
20 total disregard of Japan's obligations as a member of
21 the community of nations, and in disregard of her
22 duties under international treaties, agreements and
23

24 CC-33. a. T. 15680-1.
25 CC-34. a. Ex. 2188, T. 15674.
CC-35. a. T. 15682-6.

assurances to which she was a party. It can be said
1 that HASHIMOTO directed public opinion to violate
2 such treaties, agreements and assurances, and that his
3 previous conduct fitted into the character he assumed
4 as one of the conspirators to wage unlawful wars of
5 aggression, for the purpose of military, naval,
6 political and economic domination by Japan.

7 DEFENSE TESTIMONY

8 CC-37. The defense testimony may be briefly
9 summarized as follows:

10 "The witness OBATA attempted to show that
11 the shelling of the "Ladybird" in December, 1937,
12 was a mistake due to foggy weather conditions. This
13 testimony is negated by the testimony given by
14 HASHIMOTO himself, in which he stated that his orders
15 were to sink all vessels proceeding toward Nanking
16 without regard to nationality.
17 a.

18 The witness OGAWA's testimony as to the pure
19 purposes of the Dai Nippon Seinento and the Dai Nippon
20 Sekisekai, b.
21 is negated by the avowed purpose of
22 these societies, as appears hereinbefore. c.

23 The testimony of HASHIMOTO amounts to a
24 general denial by the accused of having any part in

25 CC-37. a. T. 15678-9.
b. T. 28783.
c. T. 15680-1.

1 the Manchurian Incident or of planning or formenting
2 aggressive war. His testimony is negated, as appears
3 from his writings and speeches extending through the
4 period from 1929 to 1941. Furthermore, as hereinabove
5 mentioned, the accused is a self-confessed perjurer,
6 so that little credence may be given to his affidavit
7 in his own behalf.
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CC-38. The testimony of the defense witness,
 1 OBATA, further shows that HASHIMOTO was guilty of
 2 murder, as appears from the following:

3 "14. Since one death had resulted from the
 4 shelling, the Captain of the British ship asked us to
 5 attend the funeral service. We sent one representative
 6 to this funeral service. This was held at the public
 7 hall."^{a.}

8 CC-39. The testimony of HASHIMOTO in connec-
 9 tion with the shelling of the British ship "Ladybird"
 10 on or about the 10th of December, 1937, to the effect
 11 that the shooting was by mistake due to the dense fog,^{a.}
 12 is contradicted by an excerpt from the interrogation of
 13 HASHIMOTO of 17 January 1946,^{b.} wherein he stated that
 14 his orders were to sink all vessels proceeding toward
 15 Nanking without regard to nationality, and that after the
 16 fog lifted, at about 1000 hours, he started shelling
 17 four ships, one of which was the Ladybird. The same
 18 excerpt contradicts the testimony of OBATA, Minoru,^{c.}
 19 wherein he stated that the shelling of the Ladybird took
 20 place "before dawn and not yet light," and furthermore
 21 the excerpt from the interrogation of HASHIMOTO^{d.} contra-
 22 dicts the statement made by OBATA as to the contents of
 23

24 (CC-38. a. T. 28772.

25 CC-39. a. T. 28796.

c. T. 28769-70.

b. Ex. 3846, T. 38181.

d. IPS Doc. 3356.)

the order from Lieutenant General YANAGAWA. e.

(A portion of the summation, which
was not read, is as follows:)

CC-40. HASHIMOTO's guilt of the offenses
charged is established as indicated below:

Count 1 - Paragraphs CC-14, CC-15, CC-16, CC-17, CC-18,
CC-19, CC-21, CC-22, CC-23, CC-24, CC-25, CC-27, CC-28,
CC-29, CC-30, CC-31, CC-32, CC-33.

Count 2 - Paragraphs CC-16, CC-17, CC-18, CC-21, CC-22,
CC-23, CC-24, CC-25, CC-31, CC-32, CC-33.

Count 3 - Paragraphs CC-16, CC-17, CC-18, CC-21, CC-22,
CC-23, CC-24, CC-25, CC-31, CC-32, CC-33.

Count 4 - Paragraphs CC-14, CC-15, CC-16, CC-17, CC-18,
CC-19, CC-21, CC-22, CC-23, CC-24, CC-25, CC-26, CC-28,
CC-29, CC-30, CC-31, CC-32, CC-33.

Count 5 - Paragraphs CC-28, CC-29, CC-30, CC-31.

Count 6 - Paragraphs CC-16, CC-17, CC-18, CC-19, CC-20,
CC-23, CC-25, CC-28, CC-29, CC-31, CC-32, CC-33.

Count 7 - Paragraphs CC-29, CC-30, CC-31, CC-33.

Count 8 - Paragraphs CC-26, CC-28, CC-29, CC-30, CC-31,
CC-32, CC-33.

Count 9 - Paragraphs CC-29, CC-30, CC-31, CC-33.

Count 10, Paragraphs CC-29, CC-30, CC-31, CC-33.

Count 11 - Paragraph CC-33.

(CC-39. e. T. 28769.)

Count 12 - Paragraphs CC-31, CC-33.

Count 13 - Paragraphs CC-31, CC-33.

Count 14 - Paragraphs CC-29, CC-30, CC-31, CC-33.

Count 15 - Paragraphs CC-29, CC-30, CC-31, CC-33.

Count 16 - Paragraphs CC-29, CC-30, CC-31, CC-33.

Count 17 - Paragraphs CC-14, CC-15, CC-18, CC-19, CC-23
CC-28, CC-29, CC-31, CC-33.

Count 18 - Paragraphs CC-16, CC-17, CC-18, CC-19, CC-20,
CC-23, CC-28, CC-29, CC-32, CC-33.

Count 19 - Paragraphs CC-25, CC-26, CC-28, CC-29, CC-30,
CC-31, CC-32, CC-33.

Count 27 - Paragraphs CC-16, CC-17, CC-18, CC-19, CC-20,
CC-23, CC-25, CC-26, CC-28, CC-29, CC-30, CC-31, CC-32,
CC-33.

Count 28 - Paragraphs CC-25, CC-26, CC-28, CC-29, CC-30,
CC-31, CC-32, CC-33.

Count 29 - Paragraphs CC-30, CC-31.

Count 30 - Paragraphs CC-30, CC-31, CC-33.

Count 31 - Paragraphs CC-28, CC-29, CC-30, CC-31, CC-33.

Count 32 - Paragraphs CC-29, CC-30, CC-31, CC-33.

Count 34 - Paragraphs CC-29, CC-30, CC-31, CC-33.

Count 45 - Paragraph CC-26.

Count 54 - Paragraphs CC-16, CC-17, CC-18, CC-19, CC-20,
CC-21, CC-22, CC-23, CC-24, CC-28, CC-29, CC-30, CC-33.

Count 55 - Paragraphs CC-16, CC-17, CC-18, CC-19, CC-20,

CC-21, CC-22, CC-23, CC-24, CC-28, CC-29, CC-30, CC-33.

1 MR. WOOLWORTH: I omit paragraph 40 and pass to
2 page 19, section VI, paragraph 41:

3 VI. HASHIMOTO's Guilt under the Charges.

4 CC-41. As for HASHIMOTO's guilt under Counts
5 1-5, inclusive, 6-17, inclusive, 18, 19, and 27-32,
6 inclusive, which generally embrace the waging of wars
7 of aggression, Parts III, IV and V herein show how he
8 was an instigator of plans and schemes for the renovation
9 of Japan for the purpose of using a revitalized military
10 power for purposes of aggression and expansion. It was
11 no coincidence that the policies he so strenuously ad-
12 vocated, namely, war with Britain and America, a move-
13 ment south having in view a Greater East Asia under
14 Japan's domination, an alliance with Germany, and ex-
15 tinction of Chinese sovereignty by destruction of the
16 Chiang government were in fact carried out or attempted.
17 These policies were likewise the policies of the other
18 conspirators, who to a greater or less degree partici-
19 pated in the plan to impose its will by force on those
20 who refused to consent.
21

22 CC-42. The absurdity of the claim by HASHI-
23 MOTO that Japan needed more and more living space for
24 its millions is shown by the fact that Japan, from 1929
25 to 1941, already had possession of Korea and Formosa, and
also had control of Manchuria. It was not territory the

Japanese militarists were after. It was enslavement of
 the Asiatic world for Japan's announced destiny to bring
 the whole world under one roof, the roof of Japan (Hakko
 Ichiu explained by HASHIMOTO;^{a.} by MATSUOKA;^{b.} by
 TOJO;^{c.} referred to in connection with the Tripartite
 Pact;^{d.} referred to in connection with the Greater East
 Asia Co-Prosperity Sphere;^{e.} and defined.^{f.})

CC-43. As for HASHIMOTO's guilt under Counts
 45-47, inclusive, and 54-55, inclusive, relating to
 murder and mistreatment of prisoners of war and civil-
 ians, outside of the shelling of the Ladybird, it can
 only be said that by his inflammatory language in the
 incitement of violence he helped produce the mental
 state of those who fought the "holy war," to resort to
 any extreme to bring about the much desired victory.
 Cruelty can well be said to be a by-product of the cam-
 paign of hatred against Britain and the United States,
 fomented by HASHIMOTO, and having as its objective con-
 tempt for those who stood in the way. Viewed from that
 angle, HASHIMOTO is responsible on the theory prevail-
 ing in torts, that he who is the proximate cause if
 responsible for all damages normally arising therefrom.

(CC-42. a. T. 3535-6.
 b. T. 3491.
 c. T. 10306.
 d. T. 6409
 e. T. 12215.
 f. T. 9645.)

1 The murders, the mistreatment of prisoners of war and
2 civilians were incident to HASHIMOTO's challenge to
3 Japan to fight a war for supremacy. The crimes that
4 resulted were a concomitant of the drastic actions he
5 recommended.

6 Mr. Sutton will address the Tribunal.

7 MR. SUTTON: May it please the Tribunal:

8 HATA, SHUNROKU - SUMMATION

9 DD-1. HATA, Shunroku, is charged on Counts
10 1 - 17, inclusive, 19, 25 - 32, inclusive, 34 - 36,
11 inclusive, and 44-55, inclusive, in the Indictment.

12 DD-2. We shall briefly sketch his career and
13 the point out the evidence which shows his part in the
14 overall conspiracy of planning and waging wars of aggres-
15 sion, and in the component parts of the conspiracy. It
16 is our position that HATA was at all times a militarist -
17 one of the clique which set and kept Japan on the road to
18 war.

19 I. SKETCH OF CAREER.

20 DD-3. HATA was born 26 July 1879. After gradu-
21 ating from the Military Academy in 1900, he rose through
22 successive ranks in the Army to become Major-General in
23 1926. In the meantime, he had made two official trips
24 to Europe, once residing in Germany for the investigation
25 of military affairs, and two official trips to China.

He served as Chief of the First Department of the Headquarters General Staff, and on the staff of the Naval General Staff. On 1 August 1931 he was appointed Lieutenant General and inspector of artillery, continuing in this position until August, 1933, when he became Commander of the 14th Division. From December, 1935, to August, 1936, he served as Chief of the Army Air Force Headquarters, and from August, 1936, until August, 1937, as Commander of the Formosan Army. On 2 August 1937, he became Military Councilor, and on 26 August 1937, he was appointed Inspector General of Military Education, serving concurrently in this position and as Military Councilor until 14 February 1938. During his tenure of these two positions, he was appointed a full General, and in December, 1937, named Cabinet Councilor. From 14 February 1938 until 15 December 1938, he was Commander of the Central China Expeditionary Force. Immediately thereafter, he became Military Councilor, serving until 25 May 1939, when he was appointed Aid-de-Camp to the Emperor. He was Minister of War in the ABE Cabinet and in the succeeding YONAI Cabinet, his tenure in this position extending from 30 August 1939 to 22 July 1940. He was immediately thereafter appointed Military Councilor in the 2nd KONOYE Cabinet and continued in this position until he was appointed Commander-in-Chief of the

1 Expeditionary Forces in China, in which capacity he
2 served from 1 March 1941 until 22 November 1944. In
3 June 1944 he was awarded the special title of Field
4 Marshal, and appointed a member of the Board of Field
5 Marshals and Admirals. On 22 November 1944, he again
6 became Inspector General of Military Education, and on
7 7 April 1945, Commander-in-Chief of the 2nd Army Corps.^{a.}

8 II. ACTIVITIES PRIOR TO AUGUST 1937 - PLANS
9 FOR AGGRESSIVE WAR.

10 DD-4. Before the outbreak of the Manchurian
11 Incident, HATA, as Chief of the First Department of the
12 Headquarters General Staff,^{a.} gave instructions to
13 Colonel SUZUKI, Shigeyasu, in March, 1931, for an
14 inspection tour in Manchuria and Korean areas. He
15 directed that special consideration be given the strateg-
16 ic advantages in operational plans already prepared be-
17 tween the use of the western line of the Chinese Eastern
18 Railway and the Szepingkai-Taonan Railway for the trans-
19 portation of the main Japanese forces. HATA further
20 directed that consideration be given and report made
21 concerning the airports in Manchuria. The report of
22 Colonel SUZUKI submitted in May, 1931, in response to
23 the instructions he had received from HATA, shows
24 clearly that plans were being prepared for aggressive
25

(DD-3. a. Ex. 106, T. 701-7.)
DD-4. a. Ex. 106, T. 701.)

1 action against the U.S.S.R. SUZUKI recommended that in
2 the present plan of operation the 19th Division should
3 be concentrated for use at Fushun and that the principal
4 aim regarding the Army forces in the Maritime Province
5 was to land on the coast east of Vladivostock, thus
6 facilitating the operation by the Manchurian Army in
7 occupying the eastern line of the Chinese Eastern Rail-
8 way and the advance of the Japanese forces in the area
9 north of Nicholsk-Ussuzisk.^{b.}

10 DD-5. In recognition of his meritorious
11 services rendered in the Manchurian Incident of 1931-
12 1934, HATA was decorated on 29 April 1934 with the First
13 Order of Merit with the Grand Cordon of the Rising Sun.^{a.}

14 III. HATA WAGES WAR IN CHINA.

15 DD-6. HATA's first period of waging war in
16 China falls into two divisions: (a) his acts and
17 responsibility as Military Councilor and Inspector
18 General of Military Education from August, 1937, to
19 February, 1938, and (b) his acts and responsibility while
20 Commander of the Central China Expeditionary Forces from
21 February, 1938, to December, 1938.

22 A. Military Councilor and Inspector General of
23 Military Education

24 DD-7. Within less than one month of the out-
25

(DD-4.b.Ex. 691-A, T. 7438; Ex. 699, T. 7501.
DD-5.a.Ex. 106, T. 703.)

break of hostilities at the Marco Polo Bridge in China
1 on 7 July 1937, HATA was, on 2 August 1937, recalled
2 from the Command of the Formosan Army and appointed
3 Military Councilor.^{a.} It was then his duty and respons-
4 ibility to advise the Cabinet on military matters. The
5 Japanese Army continued to overrun North China, and on
6 13 August 1937, hostilities broke out at Shanghai.^{b.}

7 DD-8. At this crucial stage, HATA was, on 26
8 August 1937, appointed to the politically powerful post
9 of Inspector General of Military Education and continued
10 to serve concurrently as Military Councilor.^{a.} Japan
11 rapidly extended the area of conflict and increased its
12 forces in China. By the end of September, the League of
13 Nations found that under the protection of thirty-eight
14 Japanese warships, an estimated 100,000 Japanese rein-
15 forcement had landed and Japanese military forces had
16 moved into the Yangtze Valley, Nanking, and the interior
17 of China had been bombed, and the Chinese coast blockaded
18 by the Japanese Fleet.^{b.} The Chinese estimated that by
19 the end of September, 1937, there were over 350,000 Japa-
20 nese troops in China, and defense witness TANAKA,
21 Shinichi, stated that by the end of October, Japan had

23 (DD-7. a. Ex. 106, T. 702.

24 b. Ex. 58, T. 3305.

25 DD-8. a. Ex. 106, T. 702.

b. Ex. 58, T. 3305-6.

c.
fifteen divisions in China. Before the end of 1937,
1 Nanking, the capital of China, had fallen. The orgy of
2 crime and violence known as the "Rape of Nanking" was
3 at its height, and the capitals of each of six provinces
4 of China, viz: Chahar, Hopei, Suiyuan, Shansi, Chekiang,
5 and Shantung, had been captured and were occupied by the
6 Japanese armed forces.
7

8 B. Commander-in-Chief of Central China
9 Expeditionary Force.

10 DD-9. Moving from the position of Military
11 Councilor, where he advised concerning military oper-
12 ations, and that of Inspector General of Military Edu-
13 cation, where he not only prepared Japanese troops for
14 military operations, but as a member of the "Big Three,"
15 controlled the appointment of War Minister, and had it in
16 his power to make and to destroy Cabinets, HATA, on 14
17 February 1938, took over the actual conduct of the war in
18 China as Commander-in-Chief of the Central China Expedi-
19 tionary Forces.
20 a. The broader purposes of Japan's acts
21 in China were beginning to be revealed. No longer could
22 Japan conceal her true intentions in China under the
23 guise of "localizing the incident."

24 DD-10. Flushed with victory in December, 1937,
25 (DD-8. c. Ex. 2488, T. 20685.
d. Ex. 254, T. 3430.
DD-9. a. Ex. 106, T. 701.)

and seeking to consolidate the results of its undeclared war against China, the Japanese Government, in which HATA then held a strategic position, offered so-called peace terms to China. These, if accepted, would have made of China a satellite of Japan.^{a.} These terms were submitted through Germany and the reply demanded in no event later than 10 January 1938.^{b.} On 11 January 1938 Japan reiterated the terms, adding that in the event China failed to accept, Japan would destroy the Central Government of China and aid in the formation of a new regime.^{c.} On 13 January 1938, China asked about the new conditions;^{d.} on 14 January 1938 Japan decided,^{e.} and on 16 January 1938 Premier KONOYE announced to the world that Japan would no longer deal with the National Government of China, but would seek the establishment and development of a new government in China.^{f.} Those who wanted an all-out war against China had prevailed. The conspiracy was moving with increased tempo. On 14 February 1938, HATA assumed command in China.^{g.}

DD-11. When HATA assumed command of the Central China Expeditionary Forces on 14 February 1938, he knew that he was engaging in a war against China. In his

(DD-10. a. Ex. 270, T. 3619-20; Ex. 3260, T. 29702-3.

b. Ex. 270, T. 3620.

c. Ex. 3264, T. 29844. d. Ex. 486-C, T. 5987-8.

e. Ex. 2260, T. 16223, 22055-6;

Ex. 3340, T. 30838-9.

f. Ex. 268, T. 3563-5.

g. Ex. 106, T. 701.)

1 interrogation he stated: "Although it actually was a war,
2 all they ever considered it was a Chinese Incident.
3 Actually, it was a war."^{a.} The defense claim that HATA's
4 duties were "negative duties," merely to maintain peace
5 and order in the triangle between Shanghai, Nanking,
6 and Hangchow,^{b.} was not borne out by their witness,
7 KAWABE, Masakazu. On cross-examination he admitted that
8 the extensive military operations conducted by HATA as
9 Commander-in-Chief of the Central China Expeditionary
10 Forces, which included the battle of Taierhchuang, the
11 capture of Hsuehchow, the campaign resulting in the cap-
12 ture of Wuchang, and the fall of Hankow, were neither
13 "negative" nor "inactive" duties. He then added that
14 these were new duties assigned to HATA.^{c.}
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25 (DD-11. a. Ex. 256, T. 3451.
b. Ex. 2479-A, T. 21698.
c. T. 21713.)

1 DD-12. HATA did not long remain in the tri-
2 angle zone connecting Nanking, Hangchow and Shanghai.
3 On 19 May 1938 his forces captured Hsuehchow; on 6 June
4 Kaifeng, the capital of Honan Province, fell into his
5 hands. On 27 June, Natang was captured; on 25 July, Kiu-
6 king was captured; on 12 October, Sinyang fell to
7 the troops under HATA's Command; and his crowning
8 accomplishment as Commander-in-Chief of the Central
9 China Expeditionary Forces was the fall of Hankow on
10 25 October 1938. Even with that he did not cease the
11 penetration of China, and on 11 November 1938, his
12 forces captured Yeyang.^{a.} Further light is shed on
13 the size and extent of these operations by the state-
14 ment of HATA in his interrogation that the troops which
15 were reinforced to him from the North China Army prior
16 to the Hankow campaign were "about 300,000 or 400,000"
17 and that the campaign which resulted in the capture of
18 Hankow consumed five months.^{b.}

19
20 DD-13. The fall of Hankow was the high-water
21 mark of that period of Japan's undeclared war in
22 China. HATA had all but accomplished the purpose of
23 the conspirators. Ten days later, on 3 November 1938,
24 the Japanese Government issued a statement reciting

25 DD-12. a. Ex. 254, T. 3430-2
 b. Ex. 256, T. 3443-8

1 that the Army had captured Kwantung, Hankow and Wuchang;
2 had overcome the important districts of China; had re-
3 duced the National Government of China to a local
4 regime.^a It boasted that operations would continue
5 until the National Government of China was "completely
6 annihilated." It affirmed that what Japan sought was
7 the establishment of a new order in East Asia. "This is
8 really the ultimate objective of the present expedi-
9 tion," and to accomplish this it was essential to link
10 Japan, Manchukuo and China. Japan demanded that China
11 take her own share in the task of establishing a new
12 order in East Asia.

13 DD-14. Having completed the task (as the
14 conspirators believed) of substantially destroying the
15 National Government of China, HATA, on 15 December 1938,
16 was relieved of his duties as Commander-in-Chief of the
17 Central China Expeditionary Forces, and on the same day
18 was brought again into the inner circles of Government
19 as Military Councilor.^a Before leaving the subject of
20 HATA's acts in China during this period, it might be
21 fitting to mention two points: (1) atrocities at Hankow,
22 and (2) HATA's responsibility for the handling of opium
23 and narcotics in the occupied portions of China.

24
25 DD-13. a. Ex. 268, T. 3564.

DD-14. a. Ex. 106, T. 702

1. Atrocities at Hankow

DD-15. Mr. A. A. Dorrance, Manager of the Standard Oil Company at Hankow, testified that in October 1938, he saw Japanese soldiers kicking captured Chinese soldiers into the Yangtze River and shooting those who came to the surface. He further testified that he saw on the streets of Hankow, "Chinese men dressed in Chinese gowns with their hands wired behind them, and they had been shot ..."^{a.}

DD-16. Obviously impressed by this testimony, the Defense produced a number of witnesses. Many of these testified as to the military operations preceding the fall of Hankow. Some testified that the city of Hankow remained quiet following its capture and that only a small force entered the city. Most of them also testified either that they did not see any acts of violence or did not believe that there were any atrocities committed by the Japanese troops at Hankow, that the occupation of the city was so tranquil that there was no possibility for plunder, rape and murder. Some testified that they saw no corpses in the city.^{a.}

Certain of the witnesses testified that HATA's Headquarters issued orders to maintain strict military

DD-15. a. T. 3392-6

DD-16. a. Ex. 2559, T. 21,642

Ex. 2553, T. 21,601

Ex. 2555, T. 21,612

discipline. AMANO testified that HATA always advocated the three principles, "Don't burn, don't violate, don't loot," and that his policy had always been, "Defeat Chiang, but love his people." ^{b.} Several testified that the troops under their command committed no acts of violence ^{c.} and that by the first of November the city had returned to normalcy. One witness testified that many Chinese corpses were dumped into the Yangtze River because of the cholera epidemic raging throughout the city. ^{d.} The question resolves itself into the determination between positive evidence by Dorrance who testified as to what he saw, and negative evidence of other witnesses who state that in the parts of the city visited by them they did not witness atrocities, or who give it as their opinion that atrocities could not have been committed by the troops under their commands.

DD-17. In considering this question it is well to bear in mind that the troops under HATA's command throughout the entire period of his campaign in China in 1938, were destroying, looting and desecrating the properties of neutral nations, as well as

DD-16. b. Ex. 2564, T. 21,749
 c. Ex. 2551, T. 21,592
 Ex. 2567, T. 21,771
 d. Ex. 2556, T. 21,619

entering their homes and killing their citizens. Ambassador Grew, on behalf of the American Government, made repeated protests to the Japanese Foreign Office.^{a.} Instances of these protests included: 26 March 1938, the continuing occupation by Japanese forces of American Missionary property in Shanghai and the occupation and looting of other American Missionary Property at Changshu; Changchow; Chingkiang; Liwhe; Nanking; Nanschiang; Quinsan; Shanghai; Suchow; Sungkiang; Vangchow; and Wishih; and other points in four different provinces in China.^{b.} 28 June 1938, the attack on American Missionary property at Pingtu in Shangtung Province and the wounding of the occupants.^{c.} 31 October, the wounding and killing of American nationals in China and the destruction of American property.^{d.} 21 November 1938, the continued outrages by Japanese troops against American citizens and property in China, including desecration of the American flag.^{e.} These continuing reports of the acts of troops under HATA's command against the persons and properties of a neutral

DD-17. a. Ex. 971, T. 9523 Ex. 981, T. 9855
 Ex. 975, T. 9538 Ex. 973, T. 9534
 Ex. 976, T. 9540 Ex. 983, T. 9557
 Ex. 980, T. 9554 Ex. 986, T. 9562
 b. Ex. 971, T. 9503
 c. Ex. 980, T. 9554
 d. Ex. 983, T. 9557
 e. Ex. 986, T. 9562

country make it reasonable to believe the testimony of an eye witness that atrocities were committed by these same troops against the persons and properties of Chinese citizens, and at the same time make it difficult to believe, as one defense witness testified, that HATA's policy was "Defeat Chiang, but love his people."

2. HATA's Responsibility for Opium and Narcotics.

DP-18. SATOMI testified that he was engaged in 1938 by the Special Service Department under the China Expeditionary Force in Shanghai to handle the sale of opium and that for from six to eight months he sold opium for the Special Service Department, and thereafter he continued in the same position under the direction of the China Affairs Board.^{a.} He further testified that the profits to the Special Service Organ and the China Affairs Board out of the first one thousand chests of opium which he handled for them amounted to about \$20,000,000,000.^{b.} The Defense

attempted to rebut this evidence by the witness KAWABE, Masakazu. His testimony is conflicting and contradicting. He testified that after the China Affairs

Board was founded, political and economic affairs pre-

DD-17. f. Ex. 2564, T. 21,749

DD-18. a. T. 4882-3

b. T. 4885

1 viously handled by the Commander-in-Chief were trans-
2 ferred to it, and that until it was established the
3 Special Service Organization actually handled these
4 in every place upon the request of the Chinese authori-
5 ties. After admitting that the Special Service organi-
6 zations were under the command of HATA, he stated
7 that the China Expeditionary Force had nothing to do
8 with opium, and then makes the remarkable statement,
9 "It is clear that the Commander-in-Chief had nothing to
10 do with the opium question, but I am not quite certain
11 how far the Special Service Bureau, or the Special Ser-
12 vice organizations knew about it." It is difficult
13 to understand the conclusion reached by the witness
14 that HATA had nothing to do with opium and narcotics
15 although the Special Service Organizations under his
16 command were in charge of handling them.

18 DD-9. Gill testified that with the Japanese
19 Occupation of Shanghai, opium control and supervision
20 deteriorated; that in October 1938, discussions were
21 held between the Puppet officials and the Japanese
22 military authorities for the establishment of an opium
23 monopoly; and that in the fall of 1938, opium was openly
24 sold in Shanghai, with Japanese nationals taking a

25 DD-18. c. Ex. 2479-., T. 21,703-5

1 prominent part in the business.^{a.} Dr. Bates testi-
 2 fied that the use of opium and heroin increased in
 3 Nanking in the summer and autumn of 1938; that narcot-
 4 ics were advertised and sold under permission of the
 5 Puppet Government; the system providing for 175 licensed
 6 dens and 30 distribution stores; and that there were
 7 at least 50,000 persons using heroin in Nanking under
 8 the Japanese occupation.^{b.} This was in the territory
 9 in which HATA's witnesses say that it was HATA's sole
 10 duty to maintain peace and enforce law and order.^{c.}

11 IV. MILITARY COUNCILOR AND AIDE-DE-CAMP
 12 TO THE EMPEROR

13 DD-20. As heretofore mentioned,^{a.} HATA had
 14 lead the Japanese armed forces into the very heart of
 15 China. He and his fellow-conspirators considered that
 16 the National Government of China had been reduced to a
 17 local regime.^{b.} Having accomplished this purpose,
 18 larger and even more important measures in the carrying
 19 out of the overall conspiracy were in the offing. It
 20 is reasonable to infer that those closest to the new
 21 order in East Asia would seek the advice of the one who
 22 had so successfully carried their banner through China.
 23 On 15 December 1938, HATA was appointed as Military
 24

25 DD-19. b. T. 2648-54
 c. Ex. 2479-1, T. 21,698
DD-20. a. DD-12-13 supra
 b. Ex. 268, T. 3564

1 Councilor in the First KONOYE Cabinet^{c.} and exactly one
 2 week later, on 22 December 1938, Premier KONOYE issued
 3 a statement reaffirming the purpose of the Japanese
 4 Government to completely destroy by force the National
 5 Government of China and at the same time to establish
 6 a new order in East Asia. In this statement he said:
 7 "Nothing is more necessary for China than to discard
 8 her old prejudices and to abandon her foolish resistance
 9 against Japan and her attitude in hanging on to Manchu-
 10 kuo."^{d.}

11 DD-21. Military aggression in China continued.
 12 On 26 March 1939 the Japanese forces in China cap-
 13 tured Nanchang, the capital of Kiangsi Province.^{a.}

14 DD-22. On 25 May 1938 HATA was appointed
 15 Chief Aide-de-Camp to the Emperor and continued in this
 16 position until he was appointed Minister of War in the
 17 ABE Cabinet on 30 August 1939.^{a.} The fact that he had
 18 served as Aide-de-Camp and would be acceptable to the
 19 Emperor, gave to the conspirators an opportunity to
 20 hold at least one of their inner group in the ABE Cab-
 21 inet when their plans had been temporarily frustrated
 22 by the non-aggression pact between Germany and Russia,
 23 which brought about the fall of the HIRANUMA Cabinet.
 24

25 DD-20. c. Ex. 106, T. 702. D-22. a. Ex. 106, T. 703
 d. Ex. 268, T. 3566
DD-21. a. Ex. 254, T. 3431

1 THE PRESIDENT: "We will adjourn until
2 tomorrow morning at nine-thirty.

3 (Whereupon, at 1600, an adjourn-
4 ment was taken until Friday, 20 February
5 1948, at 0930.)

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